

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 April 01, 2023 (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 (JEA), Charter of the City of Jacksonville and 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 should 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.** This 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. Except regarding information or records deemed by JEA to be confidential or exempt information or records by 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, (f) and 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 Officer or BAFO
- Bid
- Bidder
- Business Days
- Chief Procurement Officer or CPO
- Consultants' Competitive Negotiation Act or CCNA
- Contract
- Determination
- Emergency

- Ex Parte Communication
- Florida's Open Meeting Laws
- Formal Purchase
- Informal Purchase
- Intent to Award
- Invitation to Bid or IFB
- Invitation to Negotiate or ITN
- Office of the General Counsel
- Operational Procedures
- Pilot Project
- Post or Posted
- Project Manager
- Proposal
- Proposer
- Protest
- Purchase Order
- Request for Proposals or RFP
- Request for Qualifications or RFQ
- Respondent
- Response
- Services
- Single Source
- Solicitation
- Supplies
- 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 has the meaning given to the term in Section 7.7 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 Procurement Category Manager and is responsible for performing duties related to sourcing products and services. The term "Buyer" shall also include Procurement Category Managers, Purchasing Agents, Senior Buyers, and Purchasing Assistants if such persons are performing responsibilities assigned to, or contemplated to be undertaken by, a Buyer in this Code.

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 meaning set forth in Section 13.0, Part C, of these Operational Procedures.

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

JEA Project Manager – The individual designated by the Business Unit to manage a Vendor's performance of the Contract for JEA.

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.

Evaluation Team – The individuals who are designated to review and score, if applicable, Bids, Proposals, or Responses 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 such as an IFB, RFP, ITN or Solicitation for a Design-Build Contract to solicit Bids, Proposals or Responses from Vendors.

Informal Purchase Process – A process under which JEA uses established methods of Source Selection for Informal Purchases.

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.

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, e.g., previous work experience, 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.

Procurement Category Manager or PCM – 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 Procurement Category Manager and assists with administrative duties as assigned.

Regular Agenda the agenda voted on by the Awards Committee with discussion as 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 in order 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 Procurement Category Manager 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 questions or may meet with the entire Evaluation Team in a meeting held in accordance with Florida's Open Meeting Laws. The SME 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 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.

Technical Specifications - The description of the technical physical or functional characteristics of Supplies or Services to be procured. Technical Specifications may include, but are not limited to, delivery times, completion dates, and a description of requirements for inspecting or testing.

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 that cost \$300,000 or less annually, or less than \$300,000 for an O&M or Capital projects or otherwise do not exceed the thresholds for Formal Purchases as set forth in Section 3-101 of the Code. JEA does, however, encourage Buyers to seek as much competition as reasonably possible under the circumstances surrounding Informal Purchases. To promote competition, yet limit administrative effort, 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. However, the Buyer should follow the minimum guidelines outlined in the table below when conducting Informal Purchases.

Informal Purchase Thresholds

Estimated Purchase Amount	Procurement Actions Required
\$ 10,000 or less	Minimum of one properly documented quote (See section 2.1 below)
More than \$ 10,000, but less than \$ 50,000	Minimum of three 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 for an O&M or Capital projects	Minimum of three properly documented quotes, Procurement Services leads Informal Purchase Process (See section 2.3 below).

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

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 is 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 Procurement Code, certain categories of Supplies and Services are considered Formal Purchases if the Procurement of such Supplies and Services if they 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:

Type and Purchase Amount	Procurement Actions Required
"Electrical work" as defined in Section 255.20, Florida Statutes and estimated to exceed \$ 75,000, as adjusted by the applicable index (Engineering News Record) permitted by the statute	Bids must be obtained via the Formal Solicitation Process and the process required by Section 255.20

"Public construction work" as defined in Section 255.20, Florida Statutes, and estimated to exceed \$ 300,000, as adjusted by the applicable index (Engineering News Record) permitted by the statute	Bids must be obtained via the Formal Solicitation Process and the process required by Section 255.20
Engineering, architectural 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 and may be Procured directly. A Direct Purchase of Engineering Services Certification form should be completed by the Requestor and attached the Requisition when routed for approval.
Engineering, architectural 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 (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 properly documented quote.

Time Frame from Requisition to Purchase Order should be less than 10 calendar days for noninventory Procurements, and less than 14 calendar days for inventory Procurements, unless otherwise agreed upon by Buyer, Business Unit and Procurement Category Manager.

The following detailed checklist 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 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 all required parties, which may include the Business Unit Manager, Director and VP
- 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 Orders cannot be issued to Vendors who are on the 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.
- 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 3 quotes despite using all reasonable efforts, and this requirement is waived by the CPO.

All communications and questions during an Informal Purchase Process 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.

Time Frame from Requisition to Purchase Order should be less than 10 calendar days for noninventory Procurements, and less than 14 calendar days for inventory Procurements, unless otherwise agreed upon by Buyer, Business Unit and Procurement Category Manager

The following detailed checklist 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 all required parties, which may include the Business Unit Manager, Director and VP
- 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 Orders cannot be issued to Vendors who are on the State of Florida Convicted Vendor List, the 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.
- 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 OF \$ 50,000 AND \$ 300,000 ANNUALLY, OR \$ 300,000 for O&M & CAPITAL PROJECTS

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

All communications and questions during an Informal Purchase Process 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 following detailed checklist 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 or Procurement Services obtains approval of the Requisition from all required parties, which may include the Business Unit Manager, Director and VP
- 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 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
- All communications and questions during an Informal Purchase Process 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 email, time of communication, and topic

- 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 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 Procurement Platform event owner
- 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:
 - 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 recorded and stored on the Procurement Platform.
 - Compile first round scores from Evaluation Team ○ Create a short list of Vendors for the Informal Purchase
 - If using the ITN method, request Best and Final Offer (BAFO) from Vendors and send BAFO results to Evaluation Team for final scores
 - 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 Procurement Category Manager
- 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 Procurement Category Manager
- Purchase Orders cannot be issued to Vendors who are on the State of Florida Convicted Vendor List, the 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.
- 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 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 reply is received to a Request for Quotes for an Informal Purchase (and the purchase was not intended as a Single Source), then the Buyer and the Requestor should establish 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.

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 Approval Thresholds

Estimated Informal Purchase Amount	Procurement Services Personnel Authorized to Approve
\$10,000 or less	Purchasing Assistant, any Buyer or Procurement Category Manager
Over \$10,000, but less than \$50,000	Any Buyer or Procurement Category Manager
Over \$50,000, but less than \$100,000	Senior Buyer or Procurement Category Manager
Over \$100,000, but less than \$300,000 Annually for supplies and services, or less than \$300,000 for O&M and Capital projects	Procurement Category Managers 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.

Vendor Imposed Terms: JEA typically does not accept the Vendor's Purchase Order or Contract terms and conditions unless approval is given by the Procurement Category Manager, or designee. If the Procurement Category Manager 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 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. 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. 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

If original award amount is and total award amount after requested increase will then approval is required from ...
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

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. 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.

Formal Purchases are conducted via JEA's established Formal Solicitation Process, 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 Piggy-backing 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 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

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 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
- 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 Piggy-back
- 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 Piggy-backing and for maintaining a Contract File in the same manner as established for other JEA Procurement Contracts.

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 Human Resource Benefits 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 Human Resource Benefits 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 3104 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 3102 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.

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 1103 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).

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

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

- Procurement Category Manager will work with the Business Unit to confirm need for the Supplies or Services and directs the Business Unit or Procurement Services to enter a formal Requisition into the Procurement Platform (Zycus iRequest)
- The Business Unit or Procurement Services will enter a formal Requisition into the Procurement Platform (Zycus iRequest) with the required template information including assignment of Buyer or request manager which will trigger an approval workflow through Buyer, Procurement Category Manager then business unit Manager/Director/VP/Chief
- Once VP/Chief of the Business Unit approves, and the final approval in the Procurement Platform (Zycus iRequest) is complete, the Buyer or request manager in the Procurement Platform (Zycus iRequest) is notified of the approval and the Requisition is not in the Buyer queue to work on (Zycus iRequest Workbench).
- Upon assignment, the Buyer generates the Solicitation template from the Procurement Platform (Zycus iContract) and prepares Solicitation package to review with the JEA Project Manager and Procurement Category Manager. The JEA Contracts Manager, JSEB Manager or Risk Management will review as needed.
- Procurement Category Manager 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. Reference Section 5, Part F.
- The Procurement Category Manager will have final approval of the Solicitation document
- The Buyer enters the Solicitation documents and terms into the Procurement Platform (Zycus iSource) creating a sourcing event and sends final Solicitation documents and the Procurement Platform (Zycus iSource) system link to Purchasing Assistant for Posting to jea.com and Jacksonville Daily Record for advertisement
- The Buyer sends a final draft of the sourcing event to the Procurement Category Manager via the approval workflow in the Procurement Platform (Zycus iSource). 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.
- Upon approval by the Procurement Category Manager and any other added required approvers, the Buyer will Post the Solicitation and sourcing event so that Vendors may review and respond

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 Procurement Category Managers, 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 Procurement Category Manager 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 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 perform? What will happen to JEA if the work or services are not performed timely? Should liquidated damages be associated with the work?

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 Procurement Category Manager 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"> • Technical compliance with specifications • Lowest price/cost
Design-Build	<ul style="list-style-type: none"> • Professional qualifications • Experience • Availability • Amount of past JEA work • Cost • Proposed team members • JSEB use
ITNs and RFPs for Construction and Non-Construction Services (non-CCNA)	<ul style="list-style-type: none"> • Professional qualifications of firm • Experience • Proposed team qualifications • Value added Services • Proposed Design Approach/ Solution • Ability to meet requirements • Cost • JSEB use • Location of offices • Availability/Ability to meet schedule • Past JEA work – volume • Past JEA work – performance data via Vendor Performance Program • Innovation • Safety • Warranty • Ease of doing business • Versatility of solution • Storm response • Indirect cost reduction capability • Technical offering and quality program (Supplies)

CCNA Proposals	The CCNA requires that Proposals received for architectural, surveying and engineering Services as defined under the CCNA be evaluated using factors other than compensation (price). The CCNA provides examples of
	<p>appropriate factors. The following factors are commonly used by JEA for CCNA Solicitations and are consistent with CCNA requirements:</p> <ul style="list-style-type: none"> • Ability of professional personnel • Past performance • Location • Proposed Design Approach/ Solution • Recent, current, and projected workloads of the firms • Volume of work previously awarded to each firm by the agency (more work = lower score)

It is important that the Procurement Category Manager, 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 may or may not be advertised with the 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 Procurement Category Manager may approve a Contract for a maximum initial term of five years, with up to two 1year renewals, unless there is a valid business justification for a longer term. The Procurement Category Manager 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.

For Contracts where the initial Contract period is flexible within the five-year limit, the Procurement Category Manager should consult with the Business Unit manager and consider the market for the Supplies or Services being sought. The Requestor should work with the Procurement Category Manager 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 Procurement Category Manager 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 Procurement Category Manager. 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 Procurement Category Manager 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.
- 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 Procurement Category Manager, 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 Procurement Category Manager or designee. The CPO can approve a different 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 Procurement Category Manager 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.

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 in 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.

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 reasonable under the emergency circumstances.

5.2 TYPE OF NOTICE

Notice of Formal Purchases should be arranged and made by the Procurement Category Manager, 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 are 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

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:

- Buyer works with Requestor to prepare a statement of correction to the document using a standard format established by Procurement Services
- The Procurement Category Manager should review the document and either approve or suggest revisions to the document. The PCM 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 document
- The Buyer should make any necessary changes and submit the final draft to the PCM or designee
- Once approved, the Procurement Category Manager 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 Procurement Category Manager 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 Procurement Category Manager, 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 Procurement Category Manager 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 Procurement Category Manager 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 Procurement Category Manager, or Procurement Category Manager may reject the proposed Bid Evaluator if the Procurement Category Manager 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 Checklist**) 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 Procurement Category Manager. A minimum of three individuals is required for any Evaluation Team, unless otherwise approved by the Procurement Category Manager. The Requestor has the option to include himself or herself as a proposed member of the Evaluation Team. The Requestor should name one 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 checklist**) prior to reviewing Responses or Proposals.

The Buyer or Procurement Category Manager has the authority to approve the composition of the Evaluation Team, and even after Evaluation Team formation, the Procurement Category Manager may remove individuals from the Evaluation Team in the event the PCM 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 Procurement Category Manager prior to advertisement of the Solicitation. The evaluation matrix may include 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, although the Evaluation Team may choose to further subdivide the stated Selection Criteria, as further described below. 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. 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

Selection Criteria	Sub-criteria
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 Procurement Category Manager 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 receipt of Proposals/Responses. In the event the Evaluation Team does not have an approved evaluation matrix at the time of receipt of the Proposals/Responses, such Proposals/Responses should be securely held until an evaluation matrix is approved by the Procurement Category Manager. At that time, the Proposals/Responses will be released to the Evaluation Team members.

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 Procurement Category Manager should agree on such formula before Proposals or Responses are opened. A formula such as the following may be used in such situations:

Number of Points = Maximum Number of Points for the category * (Lowest Proposed Price / Proposer's Proposed Price)

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

Bidder	A	B	C
Price	1,000,000	1,100,000	1,200,000
Points	50	45.5	41.7

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

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 publicly. At this meeting, the name of each Bidder and the price submitted in the Bid must be announced. All 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 Procurement Category Manager 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 Procurement Category Manager 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 “minor irregularities” (e.g., informalities and minor technical defects) if the CPO, Procurement Category Manager, 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, Procurement Category Manager, 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 as though the total price were correctly 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 Procurement Category Manager. Vendors may not withdraw or modify their submittals for 90 days after the time announced for opening, without the approval of the CPO or Procurement Category Manager. 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 Determination of whether a Bidder/Proposer/Respondent is responsive and responsible may be made before the evaluation of the Bid/Proposal/Response, or the Determination can be made during the evaluations. However, it is recommended to check a Vendor’s Minimum Qualifications before the evaluations begin. 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’s JEA Contract terminated for default in the last two years

- Consistent and documented history of poor performance as demonstrated through JEA's Vendor Performance Program
- Vendor appears on Florida's Convicted Vendor List

A Determination should be made in one of the following ways:

- The CPO or Procurement Category Manager 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 Procurement Category Manager 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. The Procurement Category Manager has the authority to form a separate Evaluation Team to review the Bids in order to justify the Evaluator's selection. The Procurement Category Manager 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 minor irregularities in the Bid.

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 Procurement Category Manager, 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 Procurement Category Manager, 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 Procurement Category Manager 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 and the Lead Evaluator (or the Buyer only if the Buyer is serving as an Evaluator) 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.

One Evaluation Team member or the Buyer will be responsible for checking references submitted as part of the Proposers'/Respondents' Proposals/Responses. Prior to contacting any of the references, this individual 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 Procurement Category Manager. The designated Evaluation Team member or 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.

Alternative Approach to Reference Checks: The Lead Evaluator, or designee, may grade all answers from the Proposers'/Respondents to the script questions and provide that scoring to all Evaluation Team to be used by all Evaluation Team members for that section. The Determination to use this alternate approach will be determined prior to distributing Proposals/Responses to the Evaluation Team.

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

The Buyer or Procurement Category Manager may review scoring received by the Evaluation

Team prior to the Public Evaluation meeting (required for CCNA Proposals). The Buyer or Procurement Category Manager 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, and in the opinion of the Procurement Category Manager, such differences are not defensible and with the CPO's approval, the Procurement Category Manager may eliminate an individual's score or scores from inclusion in the final evaluation.

If no negotiations are to be conducted, then upon completion of the scoring and after the Procurement Category Manager 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 Procurement Category Manager, 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 Procurement Category Manager should forward approved recommendations to the Bid Office 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.

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.

7.6 BID DOCUMENTATION FILE

The Bid Office and or the Buyer 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. The file may 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 Procurement Category Manager, 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 Procurement Category Manager, or designee, all negotiations should be conducted by a negotiations team comprised of the appropriate Procurement Services, technical, and Business Unit representatives.

The Procurement Category Manager, or designee, should be responsible for leading the Evaluation 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; and
- Closing the negotiation session(s)

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 Procurement Category Manager, or designee, for his or her approval a list of names of the individuals proposed to be included on the Evaluation Team and the roles of each individual during the negotiations. The Procurement Category Manager, 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

Procurement Category Manager, or designee, the individual is detrimental to the effective conduct of negotiations.

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

The Procurement Category Manager, 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
- That team members are available and prepared to perform their assigned roles in implementing the negotiation plan
- The number of team members participating in any negotiation session should be as small as practical, but large enough to provide the support required
- The Procurement Category Manager, 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 Procurement Category Manager, 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 Procurement Category Manager, 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 Procurement Category Manager, or designee, should be present in all negotiating sessions with the Proposer/Respondent, or should designate a qualified alternate. The Procurement Category Manager, 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

The PCM, 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 Procurement Category Manager, 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.

7.7.4 AWARD OR RESCIND AFTER NEGOTIATIONS

Upon conclusion of negotiations, the Evaluator 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 Procurement Category Manager, 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 Procurement Category Manager 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 Procurement Category Manager 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 Evaluator, or Lead Evaluator of an 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 Evaluator, or Lead Evaluator of an Evaluation Team, determines that tied Proposers cannot or should not be further ranked according to price, then the Evaluator or Lead Evaluator should notify the CPO or Procurement Category Manager (as long as the PCM was not a part of the original Evaluation Team), 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. 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 2-108(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 Procurement Category Manager, with assistance from the Requestor's Business Unit, should secure the required endorsement by the Budget Organizational Element. The Procurement Category Manager 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 2-106, 2-107 and 2-108 of the Code, and the procedures by which Awards are made and Contracts are formed are further described in these Operational Procedures.

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
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 2-108(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 PCM, 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 Procurement Category Manager, with the concurrence of the CPO, or designee, along with the Business Unit Manager, recommends this action to the Awards Committee. The Procurement Category Manager, 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 include 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 an 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 subsections (i) – (v) of Section 2108(2)(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.

For those Awards where negotiation of Contract terms and conditions may be permitted, the Manager of Procurement Contracts Administration, or Procurement Category Manager, 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 Procurement Category Manager, 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 are 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 Procurement Category Manager as necessary to obtain any approvals required for changes made to the Contract and to resolve any concerns.

The JEA Project Manager should also periodically review the Vendor's performance in accordance with JEA's Vendor Performance Program. The Manager, Procurement Contracts Admin. 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 PCMs.

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 Procurement Category Managers 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 PCM have the authority to alter this amount.

The CPO may determine what constitutes a minor 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.

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

In accordance with Section 2-108(2)(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 PCM 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

Contract renewals should not be extended to a Vendors whose 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 2-108 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 2-108(2)(e) 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 2-108 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.

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 PCM 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 PCM 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 2-108(2)(e) 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 PCM 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.

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

Protested Action	Deadline – Must be received by the CPO
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

As provided in Section 4-101 of the Code, without limitation, 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 under this subsection (ii) shall begin at the time of the Posting or other such 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, before CPO will send 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 Procurement Category Managers 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 in accordance with Section 3, Part E, of these Operational Procedures 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 Procurement Category Manager (PCM) 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 PCM 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 PCM, 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 PCM. 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.

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 premise 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 department 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 Procurement Category Manager 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, Procurement Category Manager, 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 Procurement Category Manager 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 PCM 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 PCM 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 PCM 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.

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 PCM 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 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. 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 PROCUREMENT CATEGORY MANAGERS (PCM)

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 PCM 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 PCMs 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 Procurement Category Manager

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. Presents recommended Awards and background justification at Awards Committee Meeting
4. Manages and implements technology and automation improvements within Procurement Services
5. Coordinates training as needed for Procurement Services
6. Approves Assignments of Contracts
7. Executes Contracts as delegated by the CEO under Section 3-121 of the Code
8. Oversees JSEB Program
9. Resolves Protests and makes other Determinations in accordance with the Code
10. Complies with Annual Reporting as required by the Code
11. Conducts Annual Vendor Survey as required by the Code
12. 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, PCM 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 PCM or the Manager Procurement Contracts Administration. The PCM 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 PROCURMENT**

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

A Contract may be awarded for Supplies or Services as a Single Source when, pursuant to the Operational Procedures, the Chief Procurement Officer determines that:

- (a) there is only one justifiable source for the required Supplies or Services; **Note: Please provide justification.**
- (b) 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; **Note: If this is a Single Source Standard or OEM, please provide proper backup documentation.**
- (c) the Services are a follow-up of Services 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;
- (d) at the conclusion of a Pilot Project under Section 3-118 of this 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 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, to avoid delays to any Governmental Entity or avoid significant financial loss through immediate or timely action; or (f) a valid public emergency certified by the Chief Executive Officer.

Please provide the following information:

Vendor Name:

Description of Services or Supplies provided by 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 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

Signature of JEA Business Unit Chief (or designee)

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 service and Supplies will be paid by JEA within 30 calendar days of receipt of invoice. 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— Don't 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.
 12. Warranty - Review Warranty terms to ensure they are reasonable.
- 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. Real Estate, including easements,
7. Community Outreach Procurements; and
8. Financial Instruments

As required by the Code, the tables included in this **Appendix 4** provide more detail concerning the types of Supplies and Services included within the exempt categories listed above and describe 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.


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.

All the Procurement Directives, except for Real Estate, were updated October 2022, and are provided below:

Procurement Code Exemption			
Fuels Management Services Procurements - Procurement of Fuels, Emission Allowances, and Associated Transportation			
Scope of Procurement Code Exemption: Fuel Management Services (FMS) Department develops and administers cost-effective strategies for the procurement of fuel (see note 1), emission allowances, and associated transportation. JEA recognizes that the procurement of fuel, emission allowances and associated transportation is sufficiently different from the procurement of other supplies and services required by JEA. This procurement exemption supplements JEA's Procurement Code to provide JEA staff with the authority to make timely procurement commitments and to effectively participate in fuel, emission allowance, and transportation (including customs fees) markets. It governs the procurement of fuel, emission allowances and associated transportation notwithstanding any provision in JEA's Procurement Code or current Florida State Statute to the contrary.			
	Agreement Amount	Contract Signatory Authority	
Contracts or Approval for the Procurement or Sale of Fuels Management Services	> \$100,000,000	JEA Board (Per Delegation of Authority)	
	\$35,000,000 to \$100,000,000	Chief Executive Officer	
	\$20,000,000 to \$35,000,000	Chief Financial Officer and Chief Operating Officer	
	\$10,000,000 to \$20,000,000	VP Electric Systems	
	< \$10,000,000	Senior Director, Energy Operations	
All enabling agreements should be reviewed and approved by the Office of General Counsel prior to signature.			
Documentation			
	Agreement Amount	Term	Responsible Party
Responsible for Retaining Procurement and Contract Documentation	Any Amount	Any	Senior Director, Energy Operations or designee
Procurement Methodology			
Type of Procurement	Agreement Amount	Approving Entity	Procurement Guidelines
Accelerated Bids	Any Amount	Senior Director, Energy Operations	If a short procurement timeframe is required, the JEA business unit may use an accelerated bid process to procure generating fuel by issuing a solicitation via email to all those on the appropriate JEA's bidders list. All those on the Bidder's List shall receive the solicitation. Under this procurement method, JEA Fuels staff will receive bids directly from the bidders for quick evaluation and award of a contract.
Unsolicited Offers	Any Amount	Senior Director, Energy Operations	JEA may enter into contracts based on unsolicited offer for fuel, emissions allowances, and/or associated transportation of fuels without using a competitive bidding process. JEA may engage in negotiations with the party that provided the unsolicited offer to improve the terms, conditions and/or pricing. JEA will be allowed to take advantage of unsolicited offers when such procurements are determined to provide operational and/or economical advantage to JEA and acceptance of such offer is in JEA's best interest.
Collaborative Procurement Agreements	Any Amount	Senior Director, Energy Operations	JEA may participate in, sponsor, conduct, or administer a collaborative procurement agreement for the procurement of generating fuel, emission allowances, and/or associated transportation of generating fuels with one or more public or utility industry partners in accordance with an agreement entered into between the participants, when such action is deemed to be in the JEA's best interest. Note -JEA's natural gas supply and hedging instruments are procured under a Cooperative Agreement with TEA, and the Cooperative Agreement dictates JEA's day to day purchases of natural gas.
Loan or Sale	Any Amount	Senior Director, Energy Operations	JEA may loan or sell Generating Fuels, Air Emission Allowances and/or transportation of Generating Fuels when it is in the best interest of JEA to do so. JEA will be reimbursed for expenses incurred and compensated at fair market value for services or product loaned or sold.
Note 1- Fuel is defined as fuel or fuel related products used in the generation of electricity including, but not limited to, petroleum coke, coal, limestone, natural gas, #6 residual fuel oil, #2 diesel fuel oil, biomass and kaolin.			

I hereby delegate contract signature authority to the JEA personnel as provided herein.

Approved: 
Jay Stowe
Managing Director CEO
Date: 10/12/2022

Accepted: 
Ricky Erixton
VP of Electric Systems
Date: 10/13/2022

**Procurement Code Exemption
Byproduct Services - Electric and Water/Wastewater**

Scope of Procurement Code Exemption:

JEA produces byproducts through its normal operations. In efforts to support JEA's environmental sustainability initiative, and to obtain the best use of rate payer dollars, JEA may either beneficially reuse or landfill byproducts. This includes the procurement, sale, marketing and management of Byproducts for Electric and Water/Wastewater (materials resulting from the process of generating electricity, producing potable water and treating wastewater including but not limited to, bottom ash, bed ash, fly ash, gypsum, activated carbon, resin, sludge and biosolids residuals). In an effort to beneficially reuse byproducts, JEA may apply for certification from appropriate state agencies in Florida and other States, may certify contractors to handle the byproducts in accordance with the certification received, may sell the byproducts for use within the certifications, and may procure existing landfill space or lands for landfill purposes to best serve JEA. JEA may operate a landfill for byproducts through use of JEA forces, or may contract for services relating to operation of a landfill for byproducts using methods which will produce the best results for JEA, including requiring that contractors operate landfills be certified and experienced in the use of both byproduct materials and landfill operations. This procurement exemption provides JEA staff with the authority to make timely procurement commitments and to effectively participate in opportunities to market, transport, explore innovative technologies, beneficially reuse, install, sanitation and dewatering to mitigate negative environmental impacts and dispose of byproducts. It governs the marketing, transportation (including the lease/purchase of rail assets), exploration of innovative technologies, beneficial reuse, installation, sanitation and dewatering in mitigation of negative environmental impacts and disposal of byproducts.

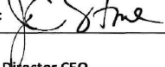
	Agreement Price	Contract Signatory Authority
Contracts for the Procurement of Byproduct Services	> \$10,000,000	JEA Board
	\$5,000,000 to \$10,000,000	Chief Executive Officer
	\$1,000,000 to \$5,000,000	Chief Financial Officer <u>and</u> Chief Operating Officer
	\$100,000 to \$1,000,000	VP of Electric Systems <u>or</u> VP of Water & Wastewater Systems
	< \$100,000	Senior Director, Energy Operations <u>or</u> Director WW & Reuse Treatment <u>or</u> Director Water Operations & Treatment Support Services



All enabling agreements should be reviewed and approved by the Office of General Counsel prior to signature.

Documentation			
	Agreement Price	Term	Responsible Party
Responsible for Retaining Procurement and Contract Documentation	Any Amount	Any	Senior Director, Energy Operations <u>or</u> Director WW & Reuse Treatment <u>or</u> Director Water Operations & Treatment Support Services

Procurement Methodology			
Type of Procurement	Price	Approving Entity	Procurement Guidelines
Accelerated Bids	Any Amount	Senior Director, Energy Operations <u>or</u> Director WW & Reuse Treatment <u>or</u> Director Water Operations & Treatment Support Services	If a short procurement timeframe is required, the JEA business unit may use an accelerated bid process to sell or procure byproducts by issuing a solicitation via email to prospective bidders. Under this procurement method, JEA Byproducts staff will receive bids directly from the bidders for quick evaluation and award of a contract.
Unsolicited Offers	Any Amount	Senior Director, Energy Operations <u>or</u> Director WW & Reuse Treatment <u>or</u> Director Water Operations & Treatment Support Services	JEA may enter into contracts based on unsolicited offers for the marketing, transportation, beneficial reuse, installation and disposal of byproducts without using a competitive bidding process. JEA may engage in negotiations with the party that provided the unsolicited offer to improve the terms, conditions and/or pricing. JEA will be allowed to take advantage of unsolicited offers when such procurements are determined to provide operational and/or economical advantage to JEA and acceptance of such offer is in JEA's best interest.
Collaborative Procurement Agreements	Any Amount	Senior Director, Energy Operations <u>or</u> Director WW & Reuse Treatment <u>or</u> Director Water Operations & Treatment Support Services	JEA may participate in, sponsor, conduct, or administer a collaborative procurement agreement for the procurement or sale of byproducts, with one or more public or utility industry partners in accordance with an agreement entered into between the participants, when such action is deemed to be in the JEA's best interest.
Loan or Sale	Any Amount	Senior Director, Energy Operations <u>or</u> Director WW & Reuse Treatment <u>or</u> Director Water Operations & Treatment Support Services	JEA may loan or sell byproducts, when it is in the best interest of JEA to do so. JEA will be reimbursed for expenses incurred and compensated at fair market value for services or product loaned or sold.

I hereby delegate contract signature authority to the JEA personnel as provided herein.

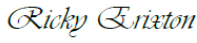
Approved: 
Jay Stowe
Managing Director CEO
Date: 01/17/2024

Accepted: 
Ricky Erixton
VP of Electric Systems
Date:
Accepted: 
Hai Vu
VP of Water/Wastewater Systems
Date: 01/18/2024

Procurement Code Exemption			
Electric System Procurement Exemption - Purchase or Sale of Electric Energy, Electric Generation Capacity, Electric Transmission Capacity and Transmission Services - Short Term and Long-Term Transactions			
Scope of Procurement Exemption: Purchase or Sale of electric energy, electric generating capacity, electric transmission service capacity and their associated ancillary services, or resale of transmission capacity retained from transmission service providers in the open transmission or open transmission markets or third party transmission providers, or the purchase or sale renewable energy credits (also known as Greentags).			
Enabling Agreements			
Enabling Agreements set out the framework for how capacity, energy, third party transmission and renewable energy credits are purchased and sold between JEA and other companies. Enabling Agreements are executed prior to any business being conducted with TEA, other utilities, marketers or any third party transmission provider. JEA has established Enabling Agreements with The Energy Authority (TEA) for the purchase and sale of capacity, energy, 3rd party transmission service and renewable energy credits; with other Florida utilities for emergency purchase and sales; with third party transmission service providers. A signature is not required for TEA standard transactions less than \$10,000,000, however, a signature is required for an Indemnity Agreement for TEA transactions > \$10,000,000.			
Transactions			
Transactions are defined as the financial arrangement of the transfer of capacity and/or energy and/or renewable energy credit from one party to another including any applicable third party transmission services. This may also include the physical flow of electricity from one party to another. A renewable energy credits, or Greentag, is a market-based instrument that represents the property rights to the environmental, social and other non-power attributes of renewable electricity generation. Greentags are issued when one megawatt-hour (MWh) of electricity is generated and delivered to the electricity grid from a renewable energy resource.			
Type of Agreement	Contract Amount	Contract Signatory Authority	Maintains Documentation
Enabling and Indemnification Agreements	> \$100,000,000	JEA Board (Per Delegation of Authority)	Senior Director, Energy Operations or designee
	\$35,000,000 to \$100,000,000	Chief Executive Officer	Senior Director, Energy Operations or designee
	\$20,000,000 to \$35,000,000	Chief Financial Officer <u>and</u> Chief Operating Officer	Senior Director, Energy Operations or designee
	\$10,000,000 to \$20,000,000	VP Electric Systems	Senior Director, Energy Operations or designee
	< \$10,000,000	Senior Director, Energy Operations	Senior Director, Energy Operations or designee
Type of Transaction	Transaction Amount	Transaction Approval	Maintains Documentation
Long Term Transactions and required Indemnification Agreements	> \$100,000,000	JEA Board (Per Delegation of Authority)	Senior Director, Energy Operations or designee
	\$35,000,000 to \$100,000,000	Chief Executive Officer	Senior Director, Energy Operations or designee
	\$20,000,000 to \$35,000,000	Chief Financial Officer <u>and</u> Chief Operating Officer	Senior Director, Energy Operations or designee
	\$10,000,000 to \$20,000,000	VP Electric Systems	Senior Director, Energy Operations or designee
	< \$10,000,000	Senior Director, Energy Operations	Senior Director, Energy Operations or designee
TEA Expanded Transactions and any required Indemnification Agreements (> 1 business day)	> \$100,000,000	JEA Board (Per Delegation of Authority)	Senior Director, Energy Operations or designee
	\$35,000,000 to \$100,000,000	Chief Executive Officer	Senior Director, Energy Operations or designee
	\$20,000,000 to \$35,000,000	Chief Financial Officer <u>and</u> Chief Operating Officer	Senior Director, Energy Operations or designee
	\$10,000,000 to \$20,000,000	VP Electric Systems	Senior Director, Energy Operations or designee
	< \$10,000,000	Senior Director, Energy Operations	Senior Director, Energy Operations or designee
TEA Authorized Transactions (< 2 business days)	Any	TEA Pre-approved	Senior Director, Energy Operations or designee
Emergency Transactions	Any	Operator on Duty or higher	Senior Director, Energy Operations or designee
All enabling agreements and indemnification agreements should be reviewed and approved by the Office of General Counsel prior to signature.			

I hereby delegate contract signature authority to the JEA personnel as provided herein.

Approved: 
 Jay Stowe
 Managing Director, CEO
 Date: 10/12/2022

Accepted: 
 Ricky Erixton
 VP of Electric Systems
 Date: 10/13/2022

Procurement Code Exemption			
Electric System Procurement Directive - Sale of JEA-Owned Transmission and Ancillary Services			
Scope of Procurement Exemption: It is JEA's policy to sell transmission and ancillary services, in accordance with JEA's Transmission Tariff and FERC orders, on the JEA Open Access Same-time Information System (OASIS). JEA is an owner of the Florida OASIS with other Florida utilities, which is a system that facilitates the marketing of transmission capacity to eligible transmission customers in a non-discriminative manner.			
Tariff			
The JEA Board has approved a tariff for the sale of transmission and ancillary services.			
Enabling Agreements & Blanket Agreements			
Included in the tariff are Enabling Agreements which are negotiated by JEA and includes Blanket Use Agreements which are templates for sales agreement with other utilities. The Enabling Agreements are executed prior to any business conducted on JEA's OASIS. Enabling Agreements set out the framework for how business is conducted including, but not limited to, transmission service studies, facility studies including any facility upgrades, and the payment of transmission and ancillary services.			
Transmission and Ancillary Services			
In accordance with FERC Orders, JEA will study and post its available transmission capacity on OASIS to facilitate transfers in, out or through the JEA electric system. JEA will sell its available transmission capacity to any transmission customer that has an Enabling Agreement with JEA. Transmission and ancillary services are sold per the tariff, the Enabling Agreement and online negotiations on OASIS. In the cases where there is no available transmission capacity and a request is made on OASIS, JEA will perform studies to determine what facility upgrades would be necessary to satisfy the request to any customer that executes the appropriate Enabling Agreements. Additional agreements may be needed to actually expand the system to satisfy the request.			
Approval Requirements			
Type of Agreement	Contract Type	Contract Signatory Authority	Maintains Documentation
Tariffs	Any	JEA Board	Senior Director, Energy Operations or designee
Enabling Agreements	Short-term Non-Firm	Blanket - Senior Director, Energy Operations (Note 1)	Senior Director, Energy Operations or designee
	Short-term Firm	Senior Director, Energy Operations	Senior Director, Energy Operations or designee
	Long-term Firm	VP Electric Systems	Senior Director, Energy Operations or designee
All enabling agreements should be reviewed and approved by the Office of General Counsel prior to signature.			
Note 1: Use of short-term transmission may be authorized on OASIS by the Operator on duty or higher.			

I hereby delegate contract signature authority to the JEA personnel as provided herein.

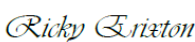
Approved:



Jay Stowe
Managing Director CEO

Date: 10/12/2022

Accepted:



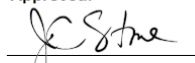
Ricky Erixton
VP of Electric Systems

Date: 10/13/2022

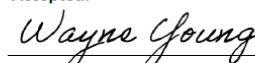
Procurement Code Exemption			
Procurement and Sale of Environmental Allowances excluding Air Emissions Allowances which are procured under the Fuels Management Services			
Scope of Procurement Exemption: Environmental Allowances refers to environmental trading credits associated with JEA's activities in procurement, generating, using, constructing or providing energy, water, or wastewater to other related services. This Procurement exemption does not include Air Emissions Allowances, and is covered under the Fuels exemption. Examples of Environmental Allowance markets include, but are not limited to, wetland mitigation banking credits, wildlife credits, water quality credits, and consumptive use permitting offsets and substitution credits. The VP shall determine whether to procure supplies and services under this procurement exemption, as time constraints allow, or procure them through the JEA Procurement Code.			
	Agreement Amount	Contract Signatory Authority	
Contracts for the Procurement or Sale of Environmental Allowances	> \$1,000,000	JEA Board	
	\$500,000 to \$1,000,000	Chief Executive Officer	
	\$250,000 to \$500,000	Chief Financial Officer and Chief Operating Officer	
	\$100,000 to \$250,000	VP of Environmental Services	
	< \$100,000	Director Environmental Services	
All enabling agreements should be reviewed and approved by the Office of General Counsel prior to signature.			
Documentation			
	Agreement Amount	Term	Responsible Party
Responsible for Retaining Procurement and Contract Documentation	Any Amount	Any Term	Director Environmental Services
Procurement Methodology			
Type of Procurement	Agreement Amount	Approving Entity	Procurement Guidelines
Accelerated Bids	Any Amount	Director Environmental Services	If a short procurement timeframe is required, the JEA business unit may use an accelerated bid process to sell or procure supplies or services covered by this procurement exemption by issuing a solicitation via email to prospective bidders. Under this procurement method, staff of the VP & Chief Environmental Services Officer will receive bids directly from the bidders for quick evaluation and award of a contract.
Unsolicited Offers	Any Amount	VP Environmental Services	JEA may enter into contracts based on unsolicited offers for supplies or services covered by this procurement exemption without using a competitive bidding process. JEA may engage in negotiations with the party that provided the unsolicited offer to improve the terms, conditions and/or pricing. JEA will be allowed to take advantage of unsolicited offers when such procurements are determined to provide operational and/or economical advantage to JEA and acceptance of such offer is in JEA's best interest.
Collaborative Procurement Agreements	Any Amount	Director Environmental Services	JEA may participate in, sponsor, conduct, or administer a collaborative procurement agreement for the procurement or sale of supplies or services covered by this procurement exemption, with one or more public or utility industry partners in accordance with an agreement entered into between the participants, when such action is deemed to be in the JEA's best interest.
Loan or Sale	Any Amount	Director Environmental Services	JEA may loan or sell Environmental Allowances when it is in the best interest of JEA to do so. JEA will be reimbursed for expenses incurred and compensated at fair market value for services or product loaned or sold.

I hereby delegate contract signature authority to the JEA personnel as provided herein.

Approved:


Jay Stowe
Managing Director CEO
Date: 01/17/2024

Accepted:


Wayne Young
VP of Environmental Services
Date: 01/17/2024

**Procurement Code Exemption
Real Estate Services Procurements**

Scope of Procurement Exemption:

Pursuant to the JEA Charter, JEA is authorized to acquire real property (or any estate or interest therein), for the use of the utilities system. Such acquisitions may be made by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange, lease, or in any other manner provided by applicable law. JEA is further authorized to sell, lease, or otherwise transfer, with or without consideration, any real property (or interest therein) determined by the Board to be no longer needed or useful in connection with use of the utilities system.

The procurement and sale or transfer of real property (or interests therein) is sufficiently different from the procurement and sale or transfer of tangible personal property and services required by JEA. Accordingly, this Real Estate Services Directive ("Directive") supplements JEA's Procurement Code to delegate authority to the CEO and the CEO's designee(s) to acquire, sell, lease or otherwise transfer certain real property (or interests therein).

JEA will have the need to acquire, sell, purchase, lease, license or otherwise transfer interest, access or use to property, real or personal for the expansion of utilities or for other uses in an expeditious and economical manner.

The full requirements for Real Estate activities are contained in the Real Estate Procurement Directive approved by the JEA Board. The JEA Charter requires Board review of the Directive every two years.

All agreements should be reviewed and approved by the Office of General Counsel prior to signature.

Acquisitions, Easements and Other Conveyances of Real Property

JEA Real Estate Services will diligently determine and pursue the types of property rights most advantageous to JEA. These rights may include fee simple acquisitions, easements or various other interests as needed.

Surplus, Dispositions, Easements and Other Conveyances of Real Property

JEA may market and negotiate transactions for surplus properties in a variety of methods including, but not limited to, direct negotiations, third party consultants/brokers, Request for Proposals, Invitation to Negotiate, Sealed Bids, Public Auction or any other method as determined to be in the best interest and as necessary in real estate matters for utilities system use and expansion or for other uses in an expeditious and economical manner. For any real property that exceeds either an assessed value or just market value of \$50,000 as determined by the property appraiser of the county where the real property is located, JEA shall not sell such real property for less than the appraised value as certified by an MAI certified appraiser, unless approved by the City Council.

Surplus and Sale of Real Property:

In declaring property surplus, the Procurement Officer must certify that such real property is no longer needed by JEA. Other charter provisions further govern disposition of assets.

Leases, Licenses and Other Transfers of Real Property

This Directive shall apply to leases of Real Property, whether JEA is lessee or lessor. The Real Property Procurement Officer will negotiate terms including rental rates with the prospective lessee or for JEA as lessor of real property interests. If JEA leases any real property to another agency, firm, corporation, entity, or individual, it shall cause a memorandum of said lease to be recorded in the official records with the clerk of the circuit court where the property is located.

Levels of Approval

Acquisition Type	Assessed Value of Property or Negotiated Sales Price	Required Approval	Contract Signatory Authority
Acquisitions, Dispositions and Leases of Real Property & Easements	> \$2,000,000	JEA Board	Director Real Estate Services
	\$1,000,000 to \$2,000,000	Managing Director/Chief Executive Officer	Director Real Estate Services
	\$500,000 to \$1,000,000	Chief Financial Officer	Director Real Estate Services
	\$100,000 to \$500,000	Vice President of Economic Development	Director Real Estate Services
	< \$100,000	Director Real Estate Services	Director Real Estate Services

Eminent Domain Actions


JEA will use condemnation procedures under the power of eminent domain for acquisition of real property rights as deemed necessary. JEA is vested with the power of eminent domain under authority of Article 21, Charter of the City of Jacksonville, Chapter 92-341, Laws of Florida, as amended, and Chapter 361, Florida Statutes. Statutory provisions for eminent domain procedures and supplemental proceedings are found in Chapters 73 and 74, Florida Statutes.

After determining that the property cannot be purchased by negotiation and upon direction by the Real Estate Procurement Officer, Real Estate Services will submit a Resolution authorizing condemnation to be presented to the Board. If the Resolution is approved by the Board, Real Estate Services, on behalf of JEA, will initiate condemnation proceedings with assistance from OGC. If a settlement is negotiated, the settlement amount will be presented for approval to the appropriate approving entity consistent with levels of approval stated in this Directive.

Documentation

The Director Real Estate is responsible for retaining procurement and contract documents for all transactions covered in this directive.

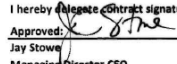
The CEO is authorized to designate the Real Property Procurement Officer(s), who shall maintain and implement this Directive as it relates to the sale, lease, or transfer of real property (or interests therein) for the use of the utilities system. The CEO and designated Real Property Procurement Officer(s) will acquire, sell, lease, or otherwise transfer real property (or interests therein) for the use of JEA in accordance with provisions of the JEA Charter, this Directive as well as applicable laws, rules, regulations, policies and procedures. The JEA Board of Directors reviews and approves this Directive every two years. Last review was August 2023.

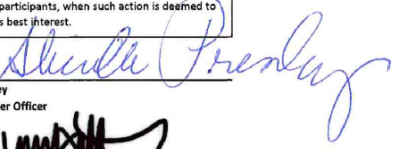
Approved: 
Jay Stowe
Managing Director CEO
Date: 01/17/2024


Accepted: 
Michael Corbitt
Director of Real Estate
Date: 1/17/2024

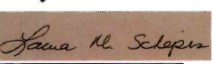
Procurement Code Exemption Customer and Community Engagement			
<p>This JEA Procurement Code Exemption relates to all goods and services needed to support and manage JEA's Customer and Community Engagement initiatives and activities. For purposes of this procurement directive, Community Engagement means any activities authorized in Section 21.04(y) of Article 21 (JEA), City of Jacksonville Charter and other activities regarding JEA or JEA's community brand that inform, engage, and educate JEA customers and the communities that JEA serves. These services should promote the efficient use of JEA's services through public education including exhibits, conferences, displays, tours and other events customary to the utilities industry and also to publicize, advertise and promote the objectives of JEA. Examples of Customer and Community events include, without limitation, Corporate and Agency Engagement (including memberships), JEA Speakers Bureau, JEA Facility Tours, and JEA Community Event Participation. JEA's Customer & Community Engagement staff approves cooperative programs between JEA and other public and private entities and JEA customer groups. JEA's involvement with Community Engagement is authorized by the JEA Charter, as is cooperative programs that enhance JEA's brand reputation and serve to educate our customers and community on JEA's services, programs and making doing business with JEA easier and more affordable. JEA recognizes that the procurement of these types of goods and services is sufficiently different from the procurement of other supplies and services required by JEA.</p>			
	Agreement Amount	Contract Signatory Authority	
Contracts for the Procurement of Community Engagement Supplies and Services	> \$1,000,000	JEA Board	
	\$500,000 to \$1,000,000	Chief Executive Officer	
	\$250,000 to \$500,000	Chief Financial Officer <u>and</u> Chief Customer Officer <u>or</u> Chief Strategy Officer <u>or</u> Chief External Affairs Officer <u>or</u> Chief Human Resources Officer	
	\$100,000 to \$250,000	VP Customer Experience Insights & Digitization <u>or</u> VP Corporate Strategy <u>or</u> VP Communications	
	< \$100,000	Director, Customer & Community Engagement <u>or</u> Director Customer Experience Insights & Strategy <u>or</u> Director Learning & Development <u>or</u> Sr. Director of Employee Services	
All enabling agreements should be reviewed and approved by the Office of General Counsel prior to signature.			
Documentation			
	Agreement Amount	Term	Responsible Party
Responsible for Retaining Procurement and Contract Documentation	Any Amount	Any	Director, Customer & Community Engagement <u>or</u> Director Customer Experience Insights & Strategy <u>or</u> Director Learning & Development
Procurement Methodology			
Type of Procurement	Agreement Amount	Approving Entity	Procurement Guidelines
Accelerated Bids	Any Amount	Director, Customer & Community Engagement	If a short procurement timeframe is required, the JEA business unit may use an accelerated bid process to sell or procure supplies or services covered by this procurement exemption by issuing a solicitation via email to prospective bidders. Under this procurement method, staff of the VP & Chief Customer Officer will receive bids directly from the bidders for quick evaluation and award of a contract.
Unsolicited Offers	Any Amount	Director, Customer & Community Engagement	JEA may enter into contracts based on unsolicited offers for supplies or services covered by this procurement exemption without using a competitive bidding process. JEA may engage in negotiations with the party that provided the unsolicited offer to improve the terms, conditions and/or pricing. JEA will be allowed to take advantage of unsolicited offers when such procurements are determined to provide operational and/or economical advantage to JEA and acceptance of such offer is in JEA's best interest.
Collaborative Procurement Agreements	Any Amount	Director, Customer & Community Engagement	JEA may participate in, sponsor, conduct, or administer a collaborative procurement agreement for the procurement or sale of supplies or services covered by this procurement exemption, with one or more public or utility industry partners in accordance with an agreement entered into between the participants, when such action is deemed to be in the JEA's best interest.


I hereby ~~delegate~~ contract signature authority to the JEA personnel as provided herein.

Approved: 
Jay Stowe
Managing Director CEO
Date: 01/17/2024

Accepted: 
Sheila Pressley
Chief Customer Officer
Date: 1/24/24

Accepted: 
Laura Dutton
Chief Strategy Officer
Date: 1/19/2024

Accepted: 
Laura Schepis
Chief External Affairs Officer
Date: 1/19/24

Accepted: 
David Emanuel
Chief Human Resources Officer
Date: 1/19/24

**Procurement Code Exemption
Real Estate Services Procurements**

Scope of Procurement Exemption:

Pursuant to the JEA Charter, JEA is authorized to acquire real property (or any estate or interest therein), for the use of the utilities system. Such acquisitions may be made by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange, lease, or in any other manner provided by applicable law. JEA is further authorized to sell, lease, or otherwise transfer, with or without consideration, any real property (or interest therein) determined by the Board to be no longer needed or useful in connection with use of the utilities system.

The procurement and sale or transfer of real property (or interests therein) is sufficiently different from the procurement and sale or transfer of tangible personal property and services required by JEA. Accordingly, this Real Estate Services Directive ("Directive") supplements JEA's Procurement Code to delegate authority to the CEO and the CEO's designee(s) to acquire, sell, lease or otherwise transfer certain real property (or interests therein).

JEA will have the need to acquire, sell, purchase, lease, license or otherwise transfer interest, access or use to property, real or personal for the expansion of utilities or for other uses in an expeditious and economical manner.

The full requirements for Real Estate activities are contained in the Real Estate Procurement Directive approved by the JEA Board. The JEA Charter requires Board review of the Directive every two years.

All agreements should be reviewed and approved by the Office of General Counsel prior to signature.

Acquisitions, Easements and Other Conveyances of Real Property

JEA Real Estate Services will diligently determine and pursue the types of property rights most advantageous to JEA. These rights may include fee simple acquisitions, easements or various other interests as needed.

Surplus, Dispositions, Easements and Other Conveyances of Real Property

JEA may market and negotiate transactions for surplus properties in a variety of methods including, but not limited to, direct negotiations, third party consultants/brokers, Request for Proposals, Invitation to Negotiate, Sealed Bids, Public Auction or any other method as determined to be in the best interest and as necessary in real estate matters for utilities system use and expansion or for other uses in an expeditious and economical manner. For any real property that exceeds either an assessed value or just market value of \$50,000 as determined by the property appraiser of the county where the real property is located, JEA shall not sell such real property for less than the appraised value as certified by an MAI certified appraiser, unless approved by the City Council.

Surplus and Sale of Real Property:

In declaring property surplus, the Procurement Officer must certify that such real property is no longer needed by JEA. Other charter provisions further govern disposition of assets.

Leases, Licenses and Other Transfers of Real Property

This Directive shall apply to leases of Real Property, whether JEA is lessee or lessor. The Real Property Procurement Officer will negotiate terms including rental rates with the prospective lessee or for JEA as lessor of real property interests. If JEA leases any real property to another agency, firm, corporation, entity, or individual, it shall cause a memorandum of said lease to be recorded in the official records with the clerk of the circuit court where the property is located.

Levels of Approval

Acquisition Type	Assessed Value of Property or Negotiated Sales Price	Required Approval	Contract Signatory Authority
Acquisitions, Dispositions and Leases of Real Property & Easements	> \$2,000,000	JEA Board	Director Real Estate Services
	\$1,000,000 to \$2,000,000	Managing Director/Chief Executive Officer	Director Real Estate Services
	\$500,000 to \$1,000,000	Chief Financial Officer	Director Real Estate Services
	\$100,000 to \$500,000	Vice President of Economic Development	Director Real Estate Services
	< \$100,000	Director Real Estate Services	Director Real Estate Services

Eminent Domain Actions

JEA will use condemnation procedures under the power of eminent domain for acquisition of real property rights as deemed necessary. JEA is vested with the power of eminent domain under authority of Article 21, Charter of the City of Jacksonville, Chapter 92-341, Laws of Florida, as amended, and Chapter 361, Florida Statutes. Statutory provisions for eminent domain procedures and supplemental proceedings are found in Chapters 73 and 74, Florida Statutes.

After determining that the property cannot be purchased by negotiation and upon direction by the Real Estate Procurement Officer, Real Estate Services will submit a Resolution authorizing condemnation to be presented to the Board. If the Resolution is approved by the Board, Real Estate Services, on behalf of JEA, will initiate condemnation proceedings with assistance from OGC. If a settlement is negotiated, the settlement amount will be presented for approval to the appropriate approving entity consistent with levels of approval stated in this Directive.

Documentation

The Director Real Estate is responsible for retaining procurement and contract documents for all transactions covered in this directive.

The CEO is authorized to designate the Real Property Procurement Officer(s), who shall maintain and implement this Directive as it relates to the sale, lease, or transfer of real property (or interests therein) for the use of the utilities system. The CEO and designated Real Property Procurement Officer(s) will acquire, sell, lease, or otherwise transfer real property (or interests therein) for the use of JEA in accordance with provisions of the JEA Charter, this Directive as well as applicable laws, rules, regulations, policies and procedures. The JEA Board of Directors reviews and approves this Directive every two years. Last review was August 2023.

Approved: 
Jay Stowe
Managing Director CEO
Date: 01/17/2024

Accepted: 
Michael Corbitt
Director of Real Estate
Date: 1/17/2024

ARTICLE 1 GENERAL PROVISIONS

1.01 Authority.

Pursuant to Article 21 of the Charter of the City of Jacksonville (Charter), JEA is authorized to acquire Real Property for the use or expansion of the utilities systems by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange, lease or in any other manner authorized by applicable law. JEA is further authorized to dispose of Real Property that is no longer needed or useful for operation of the utilities systems by sale, lease, or transfer.

1.02 Application, Rules of Construction

(a) *Interpretation.* This Real Estate Services Procurement Directive (Directive) shall be subject to and construed to be consistent with the provisions of Article 21 of the Charter and all applicable local, state and federal laws, regulations, rules, and policies.

(b) *Application of this Directive.* This Directive supplements the Amended and Restated JEA Procurement Code (Code) and applies to transactions for the acquisition or disposition of Real Property. To the extent that there is any conflict between the Code and this Directive related to the acquisition or disposition of Real Property, this Directive shall govern.

(c) *Rules and Policies.* In accordance with Section 21.04 of the Charter, this Directive shall serve to detail the rules and procedures governing JEA's reporting, acquisition, sale, purchase, lease, license, transfer, and disposition of real property.

(d) *Transparency.* This Directive shall be posted on JEA's website in a conspicuous manner for the public to view.

(e) *Periodic Review.* In accordance with Section 21.04 of the Charter, at least every two years during the time of its self-assessment, the JEA Board (Board) shall review this Directive to make any changes or amendments as deemed necessary to comply with applicable provisions of the Charter or that best serves the interest of JEA. To that end, the CEO, designees, or others that use this Directive may submit to Real Estate Services or the Board any ideas or suggestions that improve the efficient implementation of the rules and procedures contained herein.

(f) *Severability.* If any provision of this Directive is found void, invalid, or inoperative by a court of competent jurisdiction or other binding legal source, then such provision shall be severed and will not render invalid the remaining portions of this Directive.

(g) *Singular-Plural.* In this Directive, unless the context requires otherwise, words in the singular include the plural, and those in the plural include the singular.

(h) *Job Titles*. If a JEA job title used in this Directive is changed in the future due to JEA organizational changes, this Directive shall be construed by substituting the appropriate successor job title.

(i) *Use of Capitalized Terms*. Unless otherwise specified, capitalized terms used in this Directive shall have the meanings given to them in the Definitions section of the Code.

1.03 Definitions. The following terms shall have the meanings provided below.

(a) *Easement* means a nonpossessory interest in land created by a grant or agreement that confers upon the grantee the limited right, liberty, and privilege to use the land for a specific purpose, term, and consideration.

(b) *Fee Simple Interest* means a permanent tenure and absolute estate in land and any improvements on or thereto, with freedom to dispose of in whole or in part.

(c) *Lease* means an interest in land, buildings, structures, and/or improvements designated by a contract creating a lessor-lessee relationship in which the lessee is granted use, possession, and control for a specified term for a predetermined cost with conditions attached.

(d) *Long Term Strategic Site* means any Surplus Property that JEA intends to master-plan, develop, or otherwise transfer or dispose of in phases over a period of time exceeding one year.

(e) *Purchase and Sale Agreement* means a legally binding agreement that obligates the buyer to buy and the seller to sell real property. Such agreements provide the terms of the transaction, including but not limited to price, respective obligations, contingencies, and limitations.

(f) *Real Property means* all lands, buildings, structures, improvements, and fixtures thereon; any property of any nature appurtenant thereto or used in connection therewith; and every estate, interest and right, legal or equitable, therein, including any such interest for a term of years. As used in this Directive, Real Property also includes Real property as defined in the Code.

(g) *Surplus Property* means Real Property that is no longer needed or useful for operation of the utilities systems, or disposal of which best serves JEA's interests.

ARTICLE 2 DELEGATION OF AUTHORITY, DESIGNATIONS

2.01 Delegation of Authority. By its approval of this Directive, the JEA Board delegates authority to the Chief Executive Officer/Managing Director (CEO) to negotiate, enter, and execute agreements (including all supplemental documentation necessary for closing) on behalf of JEA to acquire, use and dispose of Real Property subject to the provisions contained herein.

2.02 Real Estate Services. The CEO is authorized to delegate to the Director of Real Estate (and Real Estate Services) authority to maintain, administer, and implement this Directive as it

relates to the acquisition, sale, lease, use, or transfer of Real Property. This delegation includes the Director of Real Estate's authority to negotiate, enter, and execute agreements (including all supplemental documentation necessary for closing) on behalf of JEA to acquire, use and dispose of Real Property subject to the provisions contained herein.

Real Estate Services shall administer the use, acquisition, and disposition of Real Property on behalf of JEA; establish priorities and operating standards as necessary; determine and pursue the types of property rights and interests that best serve JEA; and assess risk associated with and provide guidance related to completing Real Property transactions. Subject to applicable rules, policies, and procedures governing the procurement of services, Real Estate Services may retain, on an as-needed basis, all services necessary to implement this Directive, including but not limited to appraisal firms, survey firms, land use firms, and/or environmental firms to assist with the acquisition or disposition of Real Property.

2.03 Office of General Counsel. The Office of General Counsel (OGC) shall review substantial written instruments related to Real Property transactions to ensure legal sufficiency. OGC shall be responsible for engaging outside legal services necessary to aid in the initiation, assessment and completion of Real Property transactions.¹

ARTICLE 3 REAL PROPERTY ACQUISITIONS

3.01 General Guidance. JEA shall acquire Real Property on terms most favorable to JEA, with due consideration to maintenance and operational efficiency, and at costs consistent with prevailing market rates for comparable Real Property situated within JEA's service area. As applicable, in instances where timing may impact terms favorable to JEA, the CEO or Real Estate Services may negotiate transactions and enter into agreements to acquire Real Property, conditioned upon final approval by the Board.

(a) *Negotiations for Acquisition of Real Property.* At the direction of the CEO, Real Estate Services will assess the need for and negotiate acquisition of Real Property for the use or expansion of the utilities systems. Real Estate Services shall coordinate preparation and execution of all written instruments necessary to acquire Real Property.

(b) *Documentation.* Every appraisal, offer, or counteroffer must be in writing. Complete and accurate records of every appraisal, offer, and counteroffer shall be maintained by Real Estate Services.

(c) *No Joint Acquisitions.* JEA shall make no acquisitions jointly with another entity without prior approval by the Board. No property shall be jointly owned by JEA and any private party except as authorized under Florida law.

(d) *Costs of Acquisitions.* Real Property shall be acquired in an economically feasible manner that best serves the interest of JEA ratepayers. Prior to the acquisition of Real Property,

¹ As used in this Directive, references to the Office of General Counsel shall include the use of outside counsel engaged to provide specialized legal services.

Real Estate Services shall confirm the availability of adequately appropriated funds to pay all costs, including but not limited to any option payments and due diligence expenses.

(d) *Title Examinations and Surveys; Recordable Instruments.* All title examinations, surveys, and other title records obtained in the course of acquiring title shall be reviewed by the OGC for marketability and encumbrances. All documents to be recorded in favor of JEA or placing an interest in Real Property in JEA, including easements, shall be reviewed by the OGC for form and legal sufficiency before delivery of the document is accepted and recorded.

(e) *Form of Deeds.* All fee conveyances to JEA shall be by no less than special warranty deed unless the conveyance is from the federal government, a state agency or another local government, or an instrumentality of any of them, from which a quitclaim deed is acceptable. A donation may be made by quitclaim deed if Real Estate Services determines that acceptance of a quitclaim deed is in JEA's best interests. A quitclaim deed may also be accepted to aid in clearing title or boundary questions. Real Estate Services shall coordinate review and confirmation of all legal descriptions on instruments conveying property to JEA.

(f) *Appraisals.* For parcels assessed at \$50,000 or less Real Estate Services may use the assessed value. All appraisals used for the acquisition of Real Property shall be prepared by a state-certified appraiser and be prepared according to generally accepted appraisal standards. As applicable, each appraisal report shall state any extraordinary assumption or hypothetical condition made by the appraiser in determining market value and shall document and adequately support the appraiser's estimate or conclusion of value.

(g) *Disclosure of Beneficial Interests.* Conveyances to JEA by any person or entity holding Real Property in the form of a partnership, limited partnership, corporation, trust, or any form of representative capacity whatsoever for others shall comply with applicable provisions of section 286.23, Florida Statutes, regarding notice and disclosure requirements.

(h) *Limited Authority to Modify Board Approved Purchase Instruments.* Real Estate Services may modify a purchase instrument approved by the Board to extend the time for option exercise, closing date, submittal deadlines, or any other time limit in the agreement if the total extension of time for closing does not exceed 180 days after the closing date in the purchase instrument approved by the Board. The Real Property Procurement Officer is authorized to modify the legal description in a purchase instrument approved by the Board to conform the description to the description on the certified survey.

(i) *Disclaimer.* In instances where the Real Property Procurement Officer becomes aware of an instrument purporting to convey Real Property to JEA recorded in the public records of Duval County, which instrument has not been accepted by JEA, Real Estate Services may, on behalf of JEA, execute an instrument disclaiming any right, title or interest JEA may have in and to the Real Property and record such instrument in the public records of Duval County after having determined that JEA has no need for such Real Property. Such disclaimer shall be reviewed and approved for legal sufficiency by the Office of General Counsel.

3.02 Leases to JEA. JEA may lease Real Property when there is a need for the use or expansion of the utilities systems that cannot be met satisfactorily in JEA controlled space and leasing is more advantageous to JEA than constructing new facilities or altering existing JEA facilities.

3.03 Donations, Gifts to JEA. JEA may acquire Real Property by donation or gift when such acquisition best serves the interest of JEA.

(a) In such instance, prior to acceptance, Real Estate Services will investigate the quality of title, boundaries, and any environmental issues to the extent necessary to assess whether the property is marketable, whether the donor has authority to convey the property, and whether there are any apparent adverse impacts to JEA because of the acquisition.

(b) Based upon such investigation, the CEO or designated Real Property Procurement Officer on behalf of JEA, may accept a donation or gift conveying Real Property without prior approval by the Board if: (1) no consideration is paid by the JEA for the conveyance; and (2) JEA assumes no obligations with respect to the property except the normal responsibility incidental to ownership of the property interest being acquired.

(c) No acceptance of a donation or gift is effective until indicated by a written, executed acceptance of the conveyance. The instrument of conveyance and, if applicable, the instrument of acceptance, shall be recorded in the Public Records of Duval County.

3.04 Real Property Condemnation Actions by JEA. Pursuant to Chapter 361 of the Florida Statutes (as amended) and Article 21 of the Charter, JEA is vested with eminent domain powers to acquire Real Property for the use or expansion of the utilities systems. Such powers shall be executed in accordance Chapters 73 and 74 of the Florida Statutes (as amended).

ARTICLE 4 DISPOSITIONS OF REAL PROPERTY

4.01 General Guidance. JEA may dispose of Real Property that is determined to be no longer needed or useful, or if such disposition best serves the interest of JEA. When such determination has been made, Real Property may be disposed of through exchange, negotiations, sealed competitive bids, public auctions, lease or any other means JEA deems in its best interest in accordance with this Directive and subject to applicable provisions of local and state law. All conveyances of fee interest in JEA-owned Real Property by the Real Property Procurement Officer shall be "as is, where is, and with all faults."

4.02 Real Property Transactions Subject to Prior City Council Approval.

(a) In accordance with Section 21.04 of the Charter, any Real Property that exceeds either an assessed value or just market value of \$50,000, as determined by the property appraiser of the county where the Real Property is located, shall not be sold for less than the appraised value as certified by an MAI certified appraiser, without prior approval by the Council.

(b) In accordance with Section 21.11 of the Charter, any sale, lease, assignment, or other transfer of Real Property that will result in a total net loss of 1 percent or more of JEA's

service territory or a total loss of 1 percent of the electric, water, or wastewater, customer accounts (based on the latest available JEA monthly financial statements) shall require prior approval by the Council.

4.03 Board Declaration of Surplus Property. In accordance with Section 21.04 of the Charter, the Board shall, by resolution, fix and determine when JEA-owned Real Estate is no longer needed or useful, and authorize the disposition thereof. The Board may also, in its discretion, adopt a resolution delegating authority to the CEO to surplus and dispose of Real Property when doing so best serves the interest of JEA. Real Estate Services may circulate a sufficiently detailed description of Surplus Property to the City and the independent agencies thereof to determine whether the property is needed for a public purpose.

4.04 Disposition of Real Property by Bid, Competitive Solicitation, or Public Auction.

(a) *Bid/Competitive Solicitation.* Real Estate Services may choose to submit Surplus Property to the Procurement Department for sale through a sealed bid or competitive solicitation process. Real Estate Services may request that the Procurement Department advertise Surplus Property for sale in a local newspaper of general circulation for a minimum bid equal to the appraised value, if an appraisal was obtained, but no less than 25 percent of the assessed value. The bidding period shall remain open for at least ten days after publication of the notice.

(b) *Public Auction.* If Real Estate Services determines that Surplus Property may be more advantageously disposed of by public auction, then it may be sold at public auction to the highest and best bidder for cash, after publication of a notice of the auction in a newspaper of general circulation in the City published at least ten days before the date of the auction, setting forth the date, time, and place of the auction and a legal description and street address (if available) of the surplus Real Property.

4.05 Disposition by Direct Sale to Adjoining Owners. At the direction of the Board (or authorized designee), Real Estate Services may negotiate directly for the sale of Surplus Property with adjacent property owners. In such instances, Real Estate Services shall send notice by mail to the adjacent property owners that the property is available for purchase. The property may be conveyed at private sale to an adjoining owner without receiving bids or publishing notice. If after receipt of the notice by the adjoining owners, two or more qualifying adjacent property owners notify Real Estate Services of a desire to purchase the Surplus Property, the Real Estate Services may negotiate directly with the competing property owners and may convey the parcel to the owner who agrees to the highest price or may reject all offers. Real Estate Services may execute all documents required to convey the property to the successful owner including execution of the deed. The deed shall cite this section of the Directive as authority for execution.

4.06. Donations or Sales for Nominal Value to Other Public Agencies. The Board (or authorized designee) may authorize the sale, donation, or exchange of Surplus Property to another governmental agency for public use regardless of the actual value of the property.

ARTICLE 5 TEMPORARY/SHORT-TERM USE OF REAL PROPERTY.

5.01 Temporary Use, Licensing and Other Transfers of JEA-Owned Real Property. Real Estate Services may negotiate, enter, and execute agreements for non-exclusive, use of JEA-owned Real Property for residential, recreational, commercial, industrial, educational, retail, or other uses to the extent that such uses do not interfere with use or operation of the utilities systems.

5.02 Lease of Real Property. At the direction of the CEO (or designee), Real Estate Services may pursue, negotiate, and execute leases of Real Property for residential, recreational, commercial, industrial, educational, retail, or other uses. Any lease or renewal thereof lasting for a term of more than five years shall be subject to approval by the CEO (or designee). In accordance with Section 21.04 of the Charter, if JEA leases any Real Property to another agency, firm, corporation, entity, or individual, it shall cause a memorandum of said lease to be recorded in the official records with the clerk of the circuit court where the property is located.

ARTICLE 6 DISPOSITION OF LONG-TERM STRATEGIC SITES.

The Board, by resolution, may identify a Long-Term Strategic Site and authorize the disposition of such site by the CEO (or authorized designee). Such resolution shall:

- (1) Set forth sufficient findings of fact demonstrating that disposition of the Long-Term Strategic Site best serves JEA's interests;
- (2) Detail the CEO's authority with respect to transfer or disposition of the Long-Term Strategic Site; and
- (3) Authorize the CEO (or authorized designee) to execute any and all documents necessary to effectuate such transfer(s) or disposition(s) subject to review by the Office of General Counsel for legal sufficiency and in accordance with this Directive and all applicable local, state, and federal law.

ARTICLE 7 REPORTING; RECORDKEEPING

No less than quarterly, the CEO (or designee) shall prepare and circulate to the Board a report summarizing all Real Property transactions. Complete and accurate records of Real Property transactions shall be maintained by Real Estate Services.

ARTICLE 8 LEVELS OF APPROVAL FOR REAL ESTATE TRANSACTIONS

8.01 Approvals by the Board. Board approval shall be required for all Real Property transactions exceeding \$2,000,000.

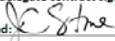
8.02 Approval by the CEO. The CEO shall be authorized to approve and execute Real Property transactions in an amount not to exceed \$2,000,000. The CEO may delegate such authority to Real Estate Services.

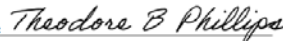
ARTICLE 9 WAIVER BY THE BOARD

In the best interests of JEA, the Board may waive any provision contained herein to the extent that such waiver is not prohibited by local, state, or federal law.

Procurement Code Exemption Financial Instruments and Services			
<p>Scope of Procurement Exemption: This Procurement Code Exemption relates to certain financial instruments and services that are offered in a well-defined limited market, may involve complex negotiations among sophisticated counterparties, and often require a limited timeframe in which to complete a transaction. At all times, financial instruments and services procured under this exemption shall include as much fair and open competition as administratively possible. The following financial instruments and services may be procured under this exemption:</p> <p>Bond Underwriting Services - Including services to underwrite variable or fixed rate bonds, notes, commercial paper or other debt-related financial instruments issued under any bond resolution approved by the JEA Board, subject to a negotiated sale or competitive bid.</p> <p>Fiduciary Services - Including trustee, registrar, paying agent, escrow agent, custody, and other similar fiduciary services in conjunction with the issuance and management of debt and/or investment of assets.</p> <p>Credit Rating Agency Services - Including the procurement of debt ratings and related informational services from nationally recognized credit rating agencies.</p> <p>Dealer and Remarketing Services - Including dealers or remarketing agents that market commercial paper, variable rate demand obligations, or other variable rate debt issued under any bond resolution approved by the JEA Board.</p> <p>Investment Purchase and Management Services - Including the purchase or sale of allowed securities or entering into securities lending arrangements under JEA's Investment Management Policy, or entering into agreements with professional investment managers to manage JEA's assets.</p> <p>Financial Transaction Support Services - Including services directly related to a financial transaction including, but not limited to escrow verification services, accounting services, and financial printing services.</p> <p>Financial Instruments and Arrangements - Including financial instruments and arrangements primarily used as risk management strategies (including but not limited to swaps, caps, floors, collars, options, forward supply agreements, float contracts, and Guaranteed Investment Contracts), credit support (including but not limited to bond insurance, surety policies, letters of credit, and other credit enhancement facilities), and liquidity support (including but not limited to continuing covenant agreements, standby bond purchase agreements, and lines of credit).</p> <p>Agency Services for the Sale of Financial Assets - Including, but not limited to, procuring the services of an agent to sell tax credits or other financial assets.</p> <p>Investor Relations Services - Including services related to the research of or direct communication with the investors, either electronically or in person.</p> <p>Financial Compliance Services - Including services necessary to meet compliance requirements of bond covenants and regulators.</p>			
	Agreement Amount	Contract Signatory Authority	
Contracts for the Procurement of Financial Instruments and Services	> \$25,000,000	JEA Board	
	\$10,000,000 to \$25,000,000	Chief Executive Officer	
	\$1,000,000 to \$10,000,000	Chief Financial Officer	
	\$100,000 to \$1,000,000	VP Financial Services	
	< \$100,000	Treasurer	
All enabling agreements should be reviewed and approved by the Office of General Counsel prior to signature.			
Documentation			
	Amount	Term	Responsible Party
Responsible for Retaining Procurement and Contract Documentation	Any	Any	Treasurer
Procurement Methodology			
Type of Procurement	Amount	Approving Entity	Procurement Guidelines
Accelerated Bids	Any Amount	Treasurer	If a short procurement timeframe is required, the JEA business unit may use an accelerated bid process to sell or procure supplies or services covered by this procurement exemption by issuing a solicitation via email through JEA's Financial Advisor or directly to prospective bidders. Under this procurement method, JEA's Financial Advisor or staff of the VP Financial Services or will receive bids directly from the bidders for quick evaluation by JEA staff and award of a contract.
Unsolicited Offers	Any Amount	Treasurer	JEA may enter into contracts based on unsolicited offers for supplies or services covered by this procurement exemption without using a competitive bidding process. JEA staff or JEA's Financial Advisor may engage in negotiations with the party that provided the unsolicited offer to improve the terms, conditions and/or pricing. JEA will be allowed to take advantage of unsolicited offers when such procurements are determined to provide operational and/or economical advantage to JEA and acceptance of such offer is in JEA's best interest.

I hereby delegate contract signature authority to the JEA personnel as provided herein.

Approved: 
Jay Stowe
Managing Director/CEO
Date: 01/17/2024

Accepted: 
Ted Phillips
Chief Financial Officer
Date: 1/17/2024

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.

Request for Solicitation:

1. Procurement Category Manager (PCM)/ Buyer will work with Business Unit to confirm need for Supplies or Services
2. Business Unit enters Requisition into the Procurement Platform
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 (when required)
 - 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. 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. Documents reviewed by Business Unit and Category Manager
10. Approved final draft documents routed for approvals through the Procurement Platform for Posting
11. Once PCM approves the Solicitation, 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 will create an Addendum for various reasons (Q/A period; change of opening date/location, etc.)
3. The Buyer obtains approval from Business Unit and PCM
4. The Buyer uploads Addendum to the Procurement Platform After Bid Opening:

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 Procurement Category Manager (PCM) to review scores
5. Buyer must ensure the Vendor complies with all requirements for insurance, CIP, information security, physical security, and safety
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. PCM 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
9. Upon approval from the Business Unit, PCM 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 Procurement Category Manager and Business Unit, Buyer sends Intent to Award to all Bidders
12. Purchasing Assistant will create the Agenda and Post to JEA.com by 10 a.m. on Tuesday
13. PCM then sends to Business Unit VP for approval by COB 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 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 signed 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 updates IFB System and Formal Spec Log in SharePoint if applicable

21. Purchasing Assistant sends WebEx recording of Awards Committee meeting to JEA Social Media group for posting to YouTube
22. Purchasing Assistant updates SharePoint Procurement Scorecard and JSEB Award Information spreadsheet
23. 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. If clarification on submitted replies are needed, schedule a meeting with the Evaluation Team and Vendor. This meeting must be recorded and stored on the Procurement Platform.
6. If requested, schedule and run a presentation to present final scores to be recorded and stored on the Procurement Platform
7. After review and scoring of the Proposals, Evaluation Team sends completed Evaluation Matrix to the Buyer to compile scores
8. Buyer meets/emails Procurement Category Manager (PCM) to review scores.
9. If an Evaluation Team meeting is needed, it must be publicly held in accordance with Florida's Open Meetings Laws and set by the Buyer and Posted to JEA.com and minutes must be taken
10. Buyer communicates with ranked Proposers and reconciles any outstanding issues (if applicable).
11. PCM 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, and safety
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. PCM 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, PCM 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 Procurement Category Manager, Buyer sends Intent to Award
19. Purchasing Assistant will create the Agenda and Post to JEA.com by 10 a.m. on Tuesday

20. PCM 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. If clarification on submitted replies are needed, schedule a meeting with the Evaluation Team and Vendor. This meeting must be recorded and stored on the Procurement Platform.
6. Compile first round scores from Evaluation Team
7. Create a short list of Vendors
8. Buyer establishes a negotiation team if different than the Evaluation Team
9. Buyer provides instructions to negotiation team (if different than the Evaluation Team) including; Confidentiality, Instructions on Ex Parte Communication, conflict of interest check, process for documenting contact between Evaluation Team and SME's, Buyers, and Evaluation Team.
10. If additional clarifications are needed with shortlisted Vendors, schedule a meeting with the Evaluation Team and Vendor. This meeting must be recorded and stored on the Procurement Platform.

11. Send out Addendum to shortlist if adjustments are made to the Solicitation documents and request Best and Final Offer (BAFO) from Vendors.
12. Send BAFO results to Evaluation Team for final scores
13. After review and scoring of the Responses, Evaluation Team sends Evaluation Matrix to the Buyer to compile scores.
14. Buyer emails/meets with Procurement Category Manager (PCM) to review scores
15. If a negotiation team meeting is needed to discuss scores, it must be publicly held in accordance with Florida's Open Meetings Laws and set by the Buyer
16. PCM approves final ranking via email and the Buyer sends the approved evaluation and ranking to all the Short-lists Respondents
17. Buyer must ensure the Vendor complies with all requirements for insurance, CIP, information security, physical security, and safety
18. 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)
19. Award process begins
20. Buyer creates Award and places in the Procurement Platform
21. PCM 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
22. Upon approval from the business, PCM will then get Director of Supply Chain approval (can do this in tandem with Manager/Director approval)
23. Buyer updates Awards
24. Once validated and approved by Category Manager, Buyer sends Intent to Award
25. Purchasing Assistant will create the Agenda and Post to JEA.com by 10 a.m. on Tuesday
26. PCM sends to Business Unit VP for approval by COB on Tuesday
27. Purchasing Assistant will email the Awards package to the Awards Committee before COB on Wednesday
28. Award is presented and voted on by Awards Committee
29. Buyer will change the status to "Awarded" within the Procurement Platform upon committee approval on Thursday
30. Purchasing Assistant sends Awards packet to Awards Committee Chairman and Budget Representative for signatures
31. Once signed Award packet is received, Purchasing Assistant creates final Award Packet and sends to Manager of Procurement Contracts Administration and CPO
32. Purchasing Assistant updates CPA Tracking Sheet in SharePoint folder and shares with Procurement Services team to enable creation of Contract
33. Purchasing Assistant updates IFB System and Formal Spec Log in SharePoint if applicable
34. Purchasing Assistant sends WebEx recording of Awards Committee meeting to JEA Social Media group for posting to YouTube
35. Purchasing Assistant updates SharePoint Procurement Scorecard and JSEB Award Information spreadsheet
36. 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 (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, safety
4. Buyer obtains approval for Single Source/Emergency from PCM
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. PCM 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, PCM will then get CPO approval (can do this in tandem with Manager/Director approval)
8. PCM 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
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