



2024 Procurement Ordinance

Consultant's Competitive Negotiation Act (CCNA)
and Private-Public Partnership (PPP) Changes

August 12, 2024

Procurement Ordinance Update: Background

- ❑ **Before:** Procurement Ordinance, Chapter 35 – Finance; Purchasing.
 - ❑ Updated and modernized last year, effective October 1, 2023.
- ❑ **Now:** Presenting additional updates to expand City Council approval for CCNA contract awards.
- ❑ **Now:** Presenting updates to align PPP with recently updated state legislation, effective July 1, 2024.

Notable Changes

- ❑ **35.07 – Formal Bidding Procedure.**
 - Updated to allow City Council to amend and approved a recommended proposal.
 - Updated to allow City Council to provide staff direction to rebid or cancel the bid.
 - Section does not apply to CCNA procurement projects, new section 35.21 created for those.

Notable Changes

- ❑ **35.08 – Formal Bidding required for certain purchases: exceptions.**
 - (a) Updated to clarify that the City Manager, or his/her designee, shall recommend a purchase to City Council for award.
 - (9) & (19) New sections that directs solicitation and award for professional services under new Section 35.21 of Chapter for CCNA.

Notable Changes

- **35.18 – Public-Private partnerships.**
 - (c) Updated to align with section 255.065, Florida Statutes, as may be amended.
 - **Advantages of new state law:**
 - ✓ Streamlines the process for evaluation of unsolicited proposals for P3 projects while maintaining transparency & public involvement.
 - ✓ Public entities can now accept unsolicited P3 proposals without needing to conduct a public bidding or solicitation process.
 - ✓ Related P3 agreement no longer must require that the public entity ultimately own the unsolicited proposal project.
 - ✓ Enhances cost-efficiency in delivering P3 projects and

Notable Changes

- **35.18 – Public-Private partnerships. Cont.**
 - (d) Updated to identify where an unsolicited proposal shall be submitted –
 - in writing to the Procurement Department.
 - (e) Updated to set one fee to cover the costs of initial consideration and evaluation,
 - including the costs of staff time, and the fees of attorneys, engineers, consultants, and financial advisors retained to evaluate the proposal
 - If the evaluation application fee is not sufficient to pay the City's costs, the application fee shall be increased to cover the City's actual costs.

Notable Changes

- **35.18 – Public-Private partnerships. Cont.**
 - (f) Initial consideration will be made by the City Manager, and upon decision to proceed, the City shall follow the process and requirements under state statute.
 - (g) Public notice before proceeding with an **unsolicited** proposal has been removed as it is not required under state statute.
 - (h) The Evaluation of any proposal shall follow state statute.

Notable Changes

- **35.18 – Public-Private partnerships. Cont.**
 - (j - *old*) Evaluation criteria is eliminated and will follow state statute.
 - (i) Rejection of proposals shall follow state statute and shall be determined by the City Manager.
 - (j - *new*) Updated to align the contract negotiations process with state statute.
 - (k) Updated to clarify the City Council shall approval and award a contract

Notable Changes

- **35.21 – Professional services as defined in the Consultants’ Competitive Negotiation Act; Award of Professional Agreements by City Council.**
 - New section added to the Chapter for CCNA projects.
 - Provides the City Council three (3) options for decision-making.
 - Approve the recommended award; or
 - Reject the recommended award & provide staff with direction; or
 - Reject all proposals & provide staff with direction to rebid or cancel the bid.

Staff Recommendation

- ❑ **Move that the Council approve the ordinance amending Title III - “Administration,” Chapter 35. Finance; Purchasing.**

- ❑ **Alternate Recommendations:**
 1. Move that the Council amend the recommendation and approve the ordinance amending Title III - “Administration,” Chapter 35. Finance; Purchasing.
 2. Move that the Council not approve the changes to the ordinance and provide staff direction.