

On motion of Mr. Roberts, seconded by Mr. Capella, the following ordinance was offered:

**SUMMARY NO. 23159    ORDINANCE NO. 23942**

An ordinance amending various sections of the Jefferson Parish Code of Ordinances dealing with Uniform Purchasing Procedures, Restrictions on Contracts and Other Agreements, and Selection of Persons for Professional Service Contracts, and other related sections, to require campaign contribution disclosure for all procurements, and to provide for related matters. (Parishwide)

**WHEREAS**, In an effort to ensure complete disclosure and transparency in governance, it would be required that all vendors supplying goods or services to Jefferson Parish, whether through the bid process, the SOQ process, or the RFP process, provide full campaign disclosure.

**NOW, THEREFORE,**

**THE JEFFERSON PARISH COUNCIL HEREBY ORDAINS:**

**SECTION I.** That Section 2-895 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-895. - Request for proposal (RFP) process.**

The following request for proposal (RFP) process shall be used to obtain services, except professional services, or nonstandard items costing over fifteen thousand dollars (\$15,000.00) when the competitive sealed bidding process is neither practical, nor required by state law, nor advantageous to Jefferson Parish.

- (1) In order to use the RFP process to obtain services, except professional services, or nonstandard items, the Jefferson Parish Council must adopt a resolution authorizing the use of the RFP process. The RFP must be prepared and a copy must accompany the proposed resolution authorizing the use of the RFP process. To obtain council approval for an RFP process, a resolution must be placed on the council agenda under "other resolutions."
- (2) *Preparation of RFP:* The RFP shall include a description of the item or services to be purchased, called statement of work or scope of service, the specific criteria that will be used to evaluate the proposals, the closing time and date after which proposals will not be accepted, and other information such as delivery dates or time frames within which the work must be completed, and general and special terms and conditions. Such purchases may call for nonstandard items or complex services. Therefore, the RFP may call for additional information such as experience in the line of work being considered (including references), staff capability along with resumes of key individuals who will work on the contract and a cost breakdown of the proposed price. Price need not be the determining criterion for award. Consequently, the foregoing factors shall be used in developing the proposal evaluation criteria. The criteria must be carefully developed and a weighing scheme formulated around the most important features of each procurement action. The evaluation criteria must be included in the RFP along with the stated relative order of importance. For example, the criteria may be divided into categories: including, but not limited to managerial capability, technical acceptability, approach in meeting performance requirements, and reasonableness of price. The RFP shall instruct the offerors to submit their price proposal in a separate sealed envelope separate and apart from its proposal.
- (3) In addition, the person or firm submitting a proposal must submit with their proposal:
  - (a) An affidavit attesting:

- a. That the affiant has not and will not employ any person either directly or indirectly to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose service in connection with the project or in securing the public contract are in the regular course of their duties for the affiant; and
  - b. That no part of the contract price was paid or will be paid to any person for soliciting the contract other than the payment of normal compensation to persons regularly employed by the affiant whose services with the project are in the regular course of their duties for the affiant; and
- (b) An affidavit attesting to:
  - a. Any and all campaign contributions that the affiant has made to elected officials of the parish during the current term; and
  - b. Any and all debts owed by the affiant to any elected or appointed official of the parish, and any and all debts owed by any elected or appointed official of the parish to the affiant; and attesting:
  - c. That the affiant has not made any contribution to or in support of elected officials of the parish through or in the name of another person or firm either directly or indirectly.
- (c) an affidavit of notice of fee disposition, as required by La. R.S. 38: 2196.1.
- (4) *Evaluation criteria:* The proposed evaluation criteria shall be looked upon as standards which measure how well an offeror's approach meets desired performance requirements, and which permit an evaluation of the differences between desired performance characteristics and what the offeror proposes to do. A scoring system must be devised and impartially applied to each proposal. Any departure from the established plan which is prompted by factors outside the system is permitted only insofar as the same treatment is extended impartially to all offerors. The step-by-step evaluation and scoring procedures which are to be followed to assure objectivity and thoroughness in comparative analysis of the proposals shall be described in the RFP.
- (5) *Public notice:* Once the RFP is prepared, the purchasing department shall advertise the public notice in an official journal of the parish, at least once per week for three (3) consecutive weeks; and, if necessary, any other appropriate national trade journal. The public notice of the intended procurement shall include as a minimum, a brief description of the items or services to be performed, the relative importance of the evaluation criteria, and a stipulation of the final closing time and date after which proposals will not be accepted. The offeror shall have at least thirty (30) days within which to submit their proposals. The parish shall only consider written and timely communications from proposers. Answers to questions that change or substantially clarify the solicitation shall be issued by addendum. No change in the scope or the evaluation criteria is allowed in any discussion. The purchasing department shall receive the proposals submitted. No other information is disclosed. The purchasing department shall forward copies of the proposals submitted to the members of the evaluation committee. The purchasing department shall retain at least one (1) copy of all proposals submitted for the parish record as required by law.
- (6) *Evaluation:* Proposals received are evaluated by an evaluation committee, consisting of representative(s) from

the requesting department(s), research and budget, purchasing department and legal. If deemed necessary by the parish president or the Jefferson Parish Council, any other persons employed by Jefferson Parish may be appointed as additional members of the evaluation committee. The representative of the legal department shall act as secretary of the evaluation committee. The secretary of the evaluation committee is responsible for disseminating all information received during the review process, in full text, to each evaluation committee member. Before beginning the evaluation process, the evaluation committee must review the RFP, concerning not only the task description but also the qualifications required of the offeror and the evaluation criteria. Award of the contract may be made without discussions after proposals are received and evaluated. Proposals should, therefore, be submitted on the most favorable terms which the offeror can submit, from both price and technical standpoints. If the evaluation committee determines that discussions are necessary, written submissions or oral discussions/presentations may be required from all offerors that can be brought within acceptable range, price, and other factors considered. Every action in the RFP process shall have one goal: to achieve the contract agreement most advantageous to the Parish of Jefferson with price and other factors considered. Discussion shall be conducted by the evaluation committee individually with each qualified offeror and shall be documented by detailed minutes of each session. Any correspondence from offerors shall be directed to the secretary of the evaluation committee. . The basic objective is to achieve the contract agreement most advantageous to the Parish of Jefferson in terms of factors such as period of performance, type of contract, quality of the items or services being purchased, and price. Except as otherwise provided by law, all documents submitted to the Parish under an RFP are subject to the Louisiana Public Records Act, LSA-R.S. 44:1 et seq., and may be released when a public records request is made in accordance with the law. Confidential business data, trade secrets, proprietary information or data not otherwise subject to public disclosure under Louisiana Constitution Art 1, Section 5, LSA-R.S. 44:4 or 4.1, or other provisions of law, must be so marked as authorized by Jefferson Parish Ordinance No. 22628. The evaluation committee shall prepare and forward to the Jefferson Parish Council a memorandum identifying the qualified firms and explaining their rationale. A list of the names of the responsive and responsible contractors shall be submitted to the council along with a list of the nonresponsive and nonresponsible offerors. The responsibility of a contractor is determined in the same manner as for competitive sealed bids. The responsiveness of a contractor is determined in the overall process of selecting a contractor. The objectives are to insure that eligible contractors receive impartial and equitable consideration and that the contractor selected is most likely to perform in a manner which is most advantageous to the Parish of Jefferson, price and other factors considered. A resolution (with a blank for name of firm selected by the council) selecting the firm(s) to supply the nonstandard items or perform the services shall also be forwarded to the Chairman of the Jefferson Parish Council and placed on the next scheduled council agenda under the "professional services" portion of the agenda.

- (7) *Award:* The Jefferson Parish Council shall review the memorandum from the evaluation committee and either adopt a resolution selecting a firm(s) to perform the services or reject all proposals.
- (8) *Negotiation and ratification of contract:* The administration shall negotiate the details of service delivery, the terms of the contract, and the contract price with the firm(s) selected by the Jefferson Parish Council and submit the contract, in final form, to the Jefferson Parish Council for ratification. In the event a contract cannot be successfully negotiated, the evaluation committee shall seek authorization from the Jefferson Parish Council to negotiate a contract with another offeror.

**SECTION II.** That Section 2-896 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-896. - Services under annual contracts.**

- (a) Purchases of all services, other than professional services, under annual contract, such as office machine, elevator and other equipment service, will be requisitioned by the initiating departments in the same manner as normal purchases, including the submission of all affidavits and disclosure forms which would be required for normal purchases. In no case will any department enter into such a contract.
- (b) It is not advisable to award all such service contracts to one firm; therefore, if practical, the contracts may be awarded to the manufacturer or the franchised dealer or service agency of the brand to be served. Special consideration will be given to reputable firms domiciled in the parish who are qualified to offer the service required.
- (c) Competitively bid contracts, other than contracts acquired by request for proposals or statements of qualifications, having a value of at least fifty thousand dollars (\$50,000.00) per year shall not include a clause providing for an option for renewal or extension of said contract.

**SECTION III.** That Section 2-905 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-905. Purchases exceeding contract limits for bids under state bid laws.**

Advertisement for bids shall be required, pursuant to the regulations contained in state statutes, more particularly R.S. 38:2212.1(A)(1), for the purchase of materials and supplies in excess of the sum set in R.S. 38:2212.1, and for all public works in excess of the contract limit, as defined in R.S. 38:2212.1(A)(1)(d).

**SECTION IV.** That Section 2-910 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-910. - Emergency purchases.**

- (a) *Defined.* Emergency purchases covered by this section are those for:
  - (1) Materials, supplies and equipments which cost less than the sum set in R.S. 38:2212.1; and for
  - (2) Public works which cost less than the state statutes requirement set in R.S. 38:2212 for advertisement; and
  - (3) Which must be handled immediately in order that lack of materials, supplies and equipment or breakdowns do not seriously hamper the operations of the parish.
- (b) *Authority of purchasing director.* Emergency requisitions should be entered with a full explanation of the emergency. If a true emergency does exist, the purchasing director or chief buyer is authorized to expedite the purchase without delay, exercising as much diligence for the sake of the economy as time will permit.
- (c) *Requisition by telephone.* The purchasing department may accept an emergency requisition by the telephone and act immediately as

above. The initiating department must send a written requisition to purchasing within twenty-four (24) hours, with full explanation of the emergency.

- (d) *Authority of department head.* In extraordinary cases, when the purchasing department is closed and the purchasing director or chief buyer cannot be contacted, the head of the initiating department may place the necessary emergency order. The written requisition with a full explanation must be sent to the purchasing department within twenty-four (24) hours.
- (e) Emergency purchases exceeding the amounts established above shall be acquired by following the emergency procedures set forth in R.S. 38:2212D.
- (f) All non-collusion affidavits, affidavits of fee disposition and campaign disclosure forms which would be required for normal purchases shall still apply to emergency purchases, except that the said affidavits and disclosure forms shall be supplied prior to the issuance of the last payment. The Finance Director shall be required to verify compliance before the last payment is made.

**SECTION V.** That Section 2-911 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-911. - Council approval of purchases.**

All purchases in excess of the sum set in R.S. 38:2212.1 shall be listed and submitted to the council, with copies of the appropriate purchase orders involved, for approval by the council at its next scheduled meeting or for rejection of any and all bids received.

The purchase of vehicles, light trucks and accessories under the annual contract for the purchase for model run automobiles, light trucks, and accessories are exempt from the requirements of this section under the following conditions:

- (1) The administration approves each purchase of an automobile, light trucks, and accessories; and
- (2) The total purchases remain under the annual cap (not to exceed amount) established by the Jefferson Parish Council when the annual contract was awarded.

**SECTION VI.** That Section 2-914 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-914. Procedures and causes for disqualification from consideration for award of contract with Jefferson Parish.**

- (1) The causes for disqualification from consideration for award of a contract with Jefferson Parish are as follows:
  - a. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;
  - b. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a parish contractor;
  - c. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
  - d. Violation of contract provisions, as set forth below, of a character which is regarded by the purchasing director for Jefferson Parish to be serious as to justify disqualification:
    - 1. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
    - 2. A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the

control of the contractor shall not be considered to be a basis for disqualification.

- e. Any other cause the purchasing director determines to be so serious and compelling as to affect responsibility as a parish contractor, including debarment by another governmental entity for any cause;
  - f. Violation of the state code of ethics or the ethical standards set forth in the Jefferson Parish Code of Ordinances;
  - g. Failure to service and/or maintain necessary licenses and/or permits;
  - h. Failure to comply with the Jefferson Parish Code of Ordinances and/or the Jefferson Parish Comprehensive Zoning Ordinance; and
  - i. Failure to comply with or meet bid specifications and/or failure to be a responsible bidder.
  - j. Failure, within the 12 month period immediately preceding the bid opening, to have timely supplied a non-collusion affidavit, affidavit of fee disposition or campaign disclosure form, or any other post-bid opening documents required in the bid specifications.
- (2) The procedures for disqualification from consideration for award of a contract with Jefferson Parish are as follows:
- a. Step 1: Prior to making a recommendation to the council regarding a bid acceptance, the department head shall send a notice of disqualification to the disqualified low bidder. This letter shall contain the reasons for disqualification and shall be sent certified mail with return receipt requested. At the same time, a copy of said letter shall be sent to the bid disqualification review committee chairman and the parish attorney's office. When the postal receipt is returned to the department head, he/she then proceeds with step 2 below.
  - b. Step 2: Prepare the normal recommendation packet to the council, with the following exceptions:
    - 1. The letter to the council chairman shall indicate the low bidder was disqualified;
    - 2. The letter to the council chairman shall include a copy of the notice of disqualification together with the postal receipt, indicating delivery to the low bidder; and
    - 3. Attach a resolution accepting the lowest responsible bidder. The acceptance, however, shall be contingent upon the disqualification being affirmed or dismissed by the bid disqualification review committee.
  - c. Step 3: If a bid disqualification review hearing is requested by a disqualified bidder, the bid disqualification review committee chairman shall be notified and he will schedule the hearing.
  - d. The above procedure will allow the bid disqualification review process to take place simultaneously with the recommendation packet being routed for administration approval and council action.

**SECTION VII.** That Section 2-915 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-915. Rejection of bids for failure to send requested notices.**

The parish council may reject all bids received for any bid proposal in which a vendor did not receive notification of the advertisement for the bid proposal when the said vendor holds the current Jefferson Parish contract for the specific item(s) or service(s) contained in the advertisement for bid proposal and the parish council finds that the failure to receive said notice was a substantial factor in the said vendor's failure to submit a bid in response to the bid proposal.

**SECTION VIII.** That Section 2-923 of the Jefferson Parish Code of Ordinances is hereby amended to read as follows:

**Sec. 2-923. Disclosure and approval of all subcontractors and persons receiving payments for all non-bid contracts.**

- A. All persons or firms who are under contract awarded on a non-bid basis with Jefferson Parish or with any of its agencies, divisions or special districts or who submit responses to any request for submittals to contract on a non-bid basis with Jefferson Parish or with any of its agencies, divisions or special districts must identify all subcontractors and persons, excluding full time employees of the firm, who would assist in providing services or materials under the contract or who would share in any fees, commissions or other remuneration under the contract. Each such subcontractor or person shall submit all documents and information required by this section. Substitutions or subsequent addition of subcontractors or other persons to the contract must be ratified by council resolution. The person or firm under contract shall provide to the council detailed justification of the need for any such additional subcontractor or person. With each invoice submitted, the person or firm holding said non-bid contract shall acknowledge that no subcontractors or other persons have been added to the contract without prior council approval by resolution. Failure to comply with this section shall result in penalties imposed upon the person or firm under contract as set forth in section 2-935.1 for professional service providers.
- B. In addition, the person or firm contracting or proposing to contract with Jefferson Parish or with any of its agencies, divisions or special districts on a non-bid basis must submit prior to the ratification by the Council of the contract or contract amendment:
  - (1) An affidavit attesting:
    - a. That the affiant has not and will not employ any person either directly or indirectly to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose service in connection with the provision or procuring of insurance under the contract or in securing the public contract are in the regular course of their duties for the affiant; and
    - b. That no part of the contract price was paid or will be paid to any person for soliciting the contract other than the payment of normal compensation to persons regularly employed by the affiant whose services with the project are in the regular course of their duties for the affiant; and
  - (2) An affidavit attesting to:
    - a. Any and all campaign contributions that the affiant has made to elected officials of the parish during the current term; and
    - b. Any and all debts owed by the affiant to any elected or appointed official of the parish, and any and all debts owed by any elected or appointed official of the parish to the affiant; and attesting:
    - c. That the affiant has not made any contribution to or in support of elected officials of the parish through or in the name of another person or firm either directly or indirectly.
- C. For purposes of this Section, the terms "non-bid contract(s)", "contract(s) awarded on a non-bid basis" or "contract(s) on a non-bid basis" shall not include group purchasing contracts.
- D. For purposes of this Section, "subcontractors" in contracts with insurance agents of record or for the provision of insurance for Jefferson Parish or for any of its agencies, divisions or special districts, including, but not limited to Jefferson Parish Hospital

Service District No. 1 and Jefferson Parish Hospital Service District No. 2, shall include any person or firm who would assist in providing insurance under the contract or who would share in the commissions generated by the placement of insurance under the contract, excluding full time employees of the primary firm under contract. Notwithstanding any provision of this Section to the contrary, however, nothing herein shall prohibit an insurance producer of record or agent from using the services of a wholesale broker for the placement of insurance coverage without prior approval of the use of said wholesale broker by the Council, provided that the name of the wholesale broker and the amount of the broker's fee is disclosed on the invoice for the placement of any insurance using the broker's services and that the Risk Management Department provides a copy of said invoice to each member of the Council within five days of the Department's receipt of the invoice.

- E. Notwithstanding any other provision of this section to the contrary, submissions of subcontractor affidavits as required by this section for all non-bid contracts with Jefferson Parish Hospital Service District No. 1 and/or Jefferson Parish Hospital Service District No. 2 which are not subject to ratification or approval by the Jefferson Parish Council under applicable regulations and procedures shall be made to the Hospital Board or Hospital Administration or other appropriate agency which is authorized to approve the prime contract related to the proposed subcontract, and said agency shall be the proper and final authority to approve any such subcontract. In addition, for those contracts with the Parish's Hospital Service Districts which are not subject to ratification or approval by the Jefferson Parish Council, contractors shall not be required to acknowledge with the invoices submitted under such contracts that no subcontractors or other persons have been added to the contract without prior council approval by resolution.

**SECTION IX.** That the Jefferson Parish Code of Ordinances is hereby amended and reenacted to create a new section, to be numbered 2-923.1, to read as follows:

**Sec. 2-923.1 Disclosure and approval of all contractors and persons receiving payments for bid contracts.**

- (a) All non-collusion affidavits, affidavits of fee disposition and campaign disclosure forms required to be provided with any bid, Request for Proposal, or Statement of Qualification, if not elsewhere required to be provided earlier, must be provided to the Parish no later than the Wednesday before a Jefferson Parish Council meeting at which the matter triggering the requirement of the submittal is to be considered by the Council.
- (b) The Parish Department which initiated the request for such submittal shall be responsible for:
1. reviewing the submittals;
  2. having hard copies of the non-collusion affidavits, affidavits of fee disposition and campaign disclosure forms available at the General Government Building and the Yenri Building no later than the Friday before the Council meeting at which the matter is to be considered;
  3. coordinating with the Parish EIS Department to have the non-collusion affidavits, affidavits of fee disposition and campaign disclosure forms posted on the Parish web site at a link no later than the Friday before the Council meeting at which the matter is to be considered by the Council; and
  4. having hard copies of the non-collusion affidavits, affidavits of fee disposition and campaign disclosure forms available at the Council Meeting at which it is considered.
- (c) At the beginning of any Council Meeting, the Parish Attorney's office shall be prepared to verify that any vendor, whether through bid, RFP, or SOQ, up for consideration at that meeting has submitted all the required affidavits.



**SECTION X.** That Section 2-928 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-928. - Required submittals.**

- a) In order to be considered for selection to perform professional services for the parish or for any of its departments or districts, the person or firm submitting must submit:
  - (1) A copy of the questionnaire most recently approved by the council, completely filled out, including professional license and occupational license information, if applicable;
  - (2) Any other information required by the advertisement for the project and any additional information related to the technical abilities of the person or firm submitting, if specifically requested by the parish prior to the deadline for submittals; and
  - (3) All information as required by (1) and (2) above relative to all subcontractors who would assist in providing professional services for the project.
- (b) In addition, the person or firm submitting must submit prior to contract ratification:
  - (1) An affidavit attesting:
    - a. That the affiant has not and will not employ any person either directly or indirectly to secure the public contract under which he is to receive payment, other than persons regularly employed by the affiant whose service in connection with the project or in securing the public contract are in the regular course of their duties for the affiant; and
    - b. That no part of the contract price was paid or will be paid to any person for soliciting the contract other than the payment of normal compensation to persons regularly employed by the affiant whose services with the project are in the regular course of their duties for the affiant; and
  - (2) An affidavit attesting to:
    - a. Any and all campaign contributions that the affiant has made to elected officials of the parish during the current term; and
    - b. Any and all debts owed by the affiant to any elected or appointed official of the parish, and any and all debts owed by any elected or appointed official of the parish to the affiant; and attesting:
    - c. That the affiant has not made any contribution to or in support of elected officials of the parish through or in the name of another person or firm either directly or indirectly.
- (c) The person or firm submitting must identify all subcontractors, excluding full time employees of firm, who would assist in providing professional services for the project, in the professional services questionnaire. Each subcontractor shall submit all documents and information required by this section. Substitutions or subsequent addition of subcontractors to the project must be ratified by council resolution. The person or firm shall provide to the council detailed justification of the need for such additional subcontractor. With each invoice submitted, the person or firm holding said professional services agreement shall acknowledge that no subcontractors have been added to work on the project without prior council approval by resolution. Failure to comply with this section shall result in penalties as set forth in section 2-935.1.
- (d) The technical evaluation committee or the council may request additional information from any person or firm submitting.

**SECTION XI.** That Section 2-929 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-929. - Consultant selection procedures.**

- (a) The technical evaluation committee shall confer and evaluate all submittals for all architectural, engineering and surveying projects. The financial evaluation committee shall confer and evaluate all submittals for all financial projects. The insurance advisory committee and coordinating committee shall confer and evaluate all submittals for all insurance projects. The data processing committee shall confer and evaluate all submittals for all data processing projects. Any other advisory or evaluation committee needed to evaluate submittals for other projects shall consist of representatives of the Department of Research and Budget, the requesting department, and legal, and any other parish employee appointment deemed necessary by the council or the Parish President, and it shall confer and evaluate said submittals. The designated committee shall use the criteria and guidelines set forth in sections 2-930 and 2-931 in its evaluations. For complex engineering tasks, and for each individual job or project, the committee shall determine those requirements to be met which, in the opinion of the committee, are necessary to demonstrate that the person or firm possesses the experience, competence and expertise necessary to accomplish the work in a timely and professional manner based on the evaluation criteria and guidelines. For each complex engineering task, and for each individual job or project, the committee shall then submit to the council at least forty-eight (48) hours prior to the time that the person(s) or firms submitting proposals reviewed by the committee are considered for selection by the council a list containing the top five (5) persons or firms, and a listing of all other persons or firms without further classification, which, in the opinion of the evaluation committee, have demonstrated adequate experience, competence and expertise with regard to the professional services for each project. Each list submitted by the evaluation committee shall identify all sub-consultants proposed for use by each person or firm.
- (b) The Jefferson Parish Council, prior to the consideration of the consent portion of the council's agenda, shall by resolution consider the selection of persons or firms to perform professional services for each project. For those projects requiring evaluation of submittals by a committee, the council may consider the selection of persons or firms to provide professional services only at a council meeting held subsequent to the submission of qualified persons or firms for the project from the appropriate committee.
- (c) The council shall confer and evaluate the persons or firms submitting for each project, except for routine engineering tasks, in accordance with the provisions of this division based on the criteria and guidelines set forth in sections 2-930 and 2-931, and shall select the person(s) or firm(s) best qualified to perform professional services for the project from the list of persons or firms submitted to the council by the evaluation committee for the project.
- (d) Notwithstanding any other provisions to the contrary, the council may cancel or defer any project or the selection of persons or firms to perform professional services for any project.

**SECTION XII.** That Section 2-933 of the Jefferson Parish Code of Ordinances is hereby amended and reenacted to read as follows:

**Sec. 2-933. - Contract negotiation and ratification.**

- (a) The administration shall negotiate a contract with the person(s) or firm(s) selected by the council to provide professional services for the project under consideration.
- (b) Should the administration be unable to reach agreement with the person(s) or firm(s) selected by the council within sixty (60) days

from the selection, the administration shall report to the council the reasons for the inability to reach agreement before the end of the sixty-day period and within each thirty-day period subsequent to the initial negotiating period for as long as the inability to reach agreement continues. Should the administration be unable to reach agreement with the person or firm selected by the selection committee, the administration shall request from the council authority to proceed to negotiate with an alternate person or firm from the list submitted to the council by the evaluation committee for the project. The council may at any time after the initial period, authorize the administration to negotiate with an alternate person or firm from the list submitted to the council by the evaluation committee for the project, may authorize the parish clerk to re-advertise for persons or firms wishing to provide professional services for the project or may cancel the selection of such persons or firms for the project. In any event, if a contract is not negotiated and ratified within one (1) year from the date of the resolution making the selection, the selection shall become null and void.

- (c) All contracts for professional services must be submitted to the council in complete form, including all terms and conditions, and with an affidavit identifying all subcontractors, excluding full time employees of firm, who would assist in providing professional services for the project, for ratification by council resolution prior to execution of the contract. No resolution ratifying a contract for professional services shall be placed on a council agenda for consideration at any council meeting unless at least one (1) member of the council gives prior approval for such placement. No work by the person or firm selected shall be authorized and no payment shall be made to the person or firm selected until the contract with said person or firm to provide professional services is executed. With each invoice submitted, the person or firm holding said professional services agreement shall acknowledge that no subcontractors have been added to work on the project without prior council approval by resolution.
- (d) If the amount of compensation in the contract for professional services as negotiated by the administration is greater than the amount estimated for professional services for the project, then the evaluation committee shall consider the reasons for the increase and report its findings and recommendations to the council prior to the council's ratification of the contract.

**SECTION XIII.** That any requirement herein for the posting of material on the Parish's web site shall be suspended until such time as the Parish's EIS Department has made the improvements and upgrades to the Parish's Internet web site needed to allow for these postings.

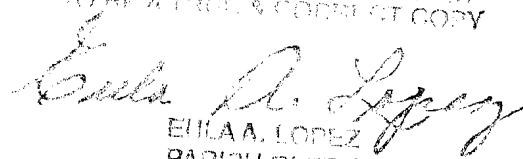
**SECTION XIV.** That the Chairman of the Parish Council of Jefferson Parish, or in his absence the Vice Chairman, is hereby authorized, empowered, and directed to sign all documents and acts necessary and proper in the premises to give full force and effect to this ordinance.

This ordinance having been submitted to a vote, the vote thereon was as follows:

**YEAS: 7      NAYS: None      ABSENT: None**

This ordinance was declared to be adopted on the 12<sup>th</sup> day of January, 2011, and shall become effective as follows, if signed forthwith by the Parish President, ten (10) days after adoption; thereafter, upon the signature by the Parish President, or, if not signed by the Parish President, upon expiration of the time for ordinances to be considered finally adopted without the signature of the Parish President, as provided in Section 2.07 of the Charter. If vetoed by the Parish President and subsequently approved by the Council, this ordinance shall become effective on the day of such approval.

THE FOREGOING IS CERTIFIED  
TO BE A TRUE & CORRECT COPY

  
EULALIA A. LOPEZ  
PARISH CLERK  
JEFFERSON PARISH COUNCIL