

CONSENT AGENDA ITEM # E.2.c.(8) – November 16, 2016

ITEM:

Consideration of approving the following policies:

- a. POL-2016-001-PUR-3 - Services Procurement Policy \$100,000 and Greater
- b. POL-2016-002-PUR-3 - Establishment of a Limited Communications Period With Respect to Procurement Procedures

EXPLANATION:

These are existing policies that are being reformatted and renumbered to confirm with the CPA's new records management process. Additionally, several minor revisions are being made to bring the policies up to date.

Policies have been reviewed and approved by the Port Attorney and General Council.

**Staff recommends approval
Prepared by Karen Pappas/Rodger Rees**

<p>POLICY Number: POL-2016-001-PUR-3</p>	 <p>CANAVERAL PORT AUTHORITY</p>	<p>Effective: November 16, 2016 Revision: N/A</p>
<p>Section: How We Work</p>	<p>Services Procurement Policy \$100,000 and Greater</p>	<p>Supersedes and replaces Policy 91-1, Approved 8/21/13</p>

I. PURPOSE

To establish a policy for procuring services that are not included in the Port Charter, Florida Consultants’ Competitive Negotiation Act (CCNA) (Sec. 287.055, Fla. Stat.), or any other applicable Florida Statute which governs the procurement of services.

The Canaveral Port Authority (“CPA”) recognizes the need to procure a variety of services on an as needed basis. In cases where the services are expected to result in an expenditure of \$100,000 or greater on any one project or where the services are expected to be provided on a regular or on-going basis resulting in a total expenditure of \$100,000 or greater per fiscal year, this Policy in procuring said services shall be utilized.

II. POLICY

- A. Staff shall determine the need for services and the scope of work to be performed and obtain approval of the Chief Executive Officer and the Board of Commissioners (the “Board”) to proceed.
- B. The Director of Procurement will work with staff to determine the qualifications required for prospective applicants and the evaluation criteria to be used. The evaluation criteria for ranking will vary by type of service but at a minimum shall include the ability and experience of the applicant, the applicant’s willingness to meet time and budget requirements, the adequacy of the resources and technical ability of the applicant, and the applicant’s performance in any previous work for the Canaveral Port Authority.
- C. The Director of Procurement shall be responsible for ensuring that formal advertising is done in accordance with Article XVII, Section 1 of the Port Charter and shall solicit qualifications and/or proposals from interested individuals or firms.
- D. The Chief Executive Officer shall appoint a selection committee consisting of at least three voting members and one non-voting senior staff advisor. The committee, chaired by the Director of Procurement or his/her designee, shall, in a publicly noticed meeting pursuant to Article II, Section 2 of the Port Charter, evaluate the qualifications and/or proposals received from the applicants and prepare a proposed ranking or shortlist of all applicants. Pursuant to CPA Policy POL-2016-002-PUR-3, voting selection committee members, once appointed must not have any ex parte contact with each other or with the firms or individuals being considered for the work or project.
- E. Before a proposed ranking is presented to the Board, presentations or oral interviews may be required from all applicants or from only a shortlist as determined by the Selection Committee. Upon direction from the Board, a shortlist may require Board approval prior to presentations or oral interviews being conducted. After the presentations or oral interviews, the Selection

Committee shall reconvene in a publicly noticed meeting to prepare the final ranking or selections.

- F. The final proposed ranking or selections shall be submitted to the Board for consideration and approval. Upon Board approval, the Chief Executive Officer or his/her designee will then negotiate a written contract for services, beginning with the top ranked applicant or the selection applicants. Each contract will include, at a minimum, the scope of services which the individual or company is prepared to provide, the defined cost or the hourly or unit rates which would be charged for these services. The Board may, at their discretion, authorize staff to execute the contract or require the contract to be brought back for their review.
- G. Where applicable, the selection committee and negotiating team will comply with Section 286.0113(2), Florida Statutes.
- H. In the event the services are available from another governmental entity at a substantially lower price than from the commercial sector, the Director of Procurement will document this and recommend to the Board the services be procured from the governmental entity.
- I. For contracts procured through this Policy that do not have a defined cost, all individual expenditures/purchase orders exceeding \$100,000 will also require Board approval.
- J. Pursuant to this Policy the following services are exempt:
 - 1. Advertising in Trade Publications;
 - 2. Partnership agreements in the Marketing and Trade Development area with other Local Government entities;
 - 3. Administrative services provided by the Florida Ports Council;
 - 4. Services via purchase agreements or contracts of any state agency, county, school board, or municipality, or of the Federal Government or its agencies, which agreements or contracts have been competitively bid; and
 - 5. Insurance policies covered under competitively bid brokerage agreements.
- K. Services below the dollar threshold requirements of this Policy will be handled pursuant to CPA Procedure PRO-2016-001-PUR-3, as amended.
- L. The Board may waive these Policy requirements for procurement of services that are considered sole or single source in nature. A thorough written justification must be provided for each request.

III. APPLICABILITY

This Policy applies to all Canaveral Port Authority employees.

IV. RESPONSIBILITIES

The Director of Procurement has the responsibility for maintaining and updating this Policy.

V. REFERENCES

- A. CPA Procedure PRO-2016-001-PUR-3
- B. CPA Policy POL-2016-002-PUR-3
- C. Port Charter
- D. Florida Statute s. 287.055
- E. Florida Statute s. 286.0113(2)

*Approval Page

Name	Title	Signature	Date
Karen Pappas	Director, Procurement (Document Creator & Functional Area Director)		
Rodger Rees	Chief Financial Officer		
Craig Langley	General Counsel (Legal Representative)		
George P. Kistner III, CPE	Records Manager (Document Control & Compliance Representative)		
Harold Bistline	[^] Port Attorney (Commission Legal If Applicable)		
Captain John W. Murray	Canaveral Port Authority Executive Director/CEO		
	Canaveral Port Authority Commission Chairman		

*If Document Creator and/or Functional Area Director are also a part of the normal review process, a second signature is not required

[^] In cases where policy will have Commissioner implications, Port Attorney must sign-off on policy.

Revision History Page

Revision	Effective Date	Changes Made (initial release, *minor amendment, revision, policy review w/revision, **policy review w/o revision)	Briefly explain the purpose/reason for revision
0	November 16, 2016	Initial Release	Policy Creation

*If change is minor amendment, then only the Records Manager is required to review and sign.

Minor Amendment: **Any change to an existing document that is limited to a clerical or grammatical change or correction that does not change the intent, scope, application or meaning of the document.**

**If no change to policy, Records Manager is required to verify and sign.

Records Manager	Date

<p>POLICY Number: POL-2016-002-PUR-3</p>	 <p>CANAVERAL PORT AUTHORITY</p>	<p>Effective: November 16, 2016 Revision: N/A</p>
<p>Section: How We Work</p>	<p>Establishment of a Limited Communications Period With Respect to Procurement Procedures</p>	<p>Supersedes and replaces Policy 2011-02 Approved 7/20/11</p>

I. PURPOSE

Canaveral Port Authority (“CPA”) recognizes the value and importance of insuring the proper and fair evaluation of submittals responsive to procurements issued by CPA. In order to provide for such fair evaluation, CPA hereby establishes strict parameters with respect to ex parte communications during the procurement process.

II. POLICY

A. Limited Communications Period shall mean a prohibition on any communication regarding a particular Request for Proposal (RFP), Request for Qualification (RFQ), Request for Letters of Interest (RLI), Invitations to Bid (ITB) or other formal competitive solicitation (collectively referred to herein as “Competitive Solicitations”) between:

1. Any person who seeks an award therefrom, including a potential vendor or vendor representative, and
2. Any CPA employee, and any non-employee appointed as a voting selection committee member to evaluate or recommend selection in such procurement process.

For purposes of this Policy, vendor representative means an employee, partner, officer, or director of a potential vendor, or consultant, lobbyist, or actual potential subcontractor or sub-consultant of a vendor.

B. A Limited Communication Period shall be applicable to each Competitive Solicitation upon the issuance of the applicable Competitive Solicitation. Public notice of the Limited Communications Period shall be included in any Competitive Solicitation.

C. The Limited Communications Period shall terminate at the time CPA awards or approves a contract, votes to reject all bids or responses, or otherwise takes action which ends the solicitation. If the Board refers the item back to CPA staff for further review, the Limited Communications Period shall remain in effect until an award is made, a contract is approved, or the Board takes any other action which ends the solicitation.

D. Nothing contained herein shall prohibit any potential vendor, vendor representative, principals, lobbyists or agents:

1. From participating in pre-bid conferences, participating in formal presentations or oral interviews as required by the selection committee or participating in duly noticed selection committee meetings;
2. From communicating with the Board of Commissioners during a duly noticed public meeting or by communicating with an individual Commissioner or CPA Chief Executive Officer (or his designee), provided that each Commissioner shall decide in his or her discretion whether to

engage in such communication. Written communication should be encouraged and may be requested by an individual Commissioner, and shall be distributed to all other Commissioners and the CEO; or

3. From communication verbally or in writing with the CPA Director of Procurement or designated procurement representative (“Designated Procurement Representative”) for the limited purpose of seeking clarification or additional information. No oral representations, clarifications, or changes made to the written specifications by the Designated Procurement Representative shall be binding unless such clarifications or changes are provided to bidders/proposers in written format. All written information shall be provided to the members of the applicable selection committee, including any response thereto.

- E. Penalties. A violation of, or failure to comply with this Policy may subject the offender to disqualification from consideration of an award of a Competitive Solicitation or other competitive solicitation, termination of contracts, or suspension or debarment.

III. APPLICABILITY

This Policy applies to all CPA employees, Commissioners and all vendors participating in formal Competitive Solicitations with the CPA.

IV. RESPONSIBILITIES

The Director of Procurement has the responsibility for maintaining and updating this Policy.

*Approval Page

Name	Title	Signature	Date
Karen Pappas	Director of Procurement (Document Creator)		
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Craig Langley	General Counsel (Legal Representative)		
George P. Kistner III, CPE	Records Manager (Document Control & Compliance Representative)		
Harold Bistline	^A Port Attorney (Commission Legal If Applicable)		
Captain John W. Murray	Canaveral Port Authority Executive Director/CEO		
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