

OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA
RESOLUTION NO. 2019-R07

A RESOLUTION OF THE OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA TO ADOPT PURCHASING AND PROCUREMENT PROCEDURES; PROVIDING FOR AUTHORITY, THRESHOLDS FOR EXPENDITURES OF FUNDS, DELEGATION OF AUTHORITY, QUOTATIONS AND COMPETITIVE PROCUREMENT PROCEDURES, EXEMPTIONS TO COMPETITIVE PROCUREMENT AND BID PROCEDURES, PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS the Ocean Highway and Port Authority (“OHPA”) finds that the adoption of procedures for the procurement of goods and services will benefit the Authority, its constituents, and the residents of Nassau County, Florida by improving the efficiency of procurement and the transparency of the process; and

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS OF THE OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU COUNTY, FLORIDA THAT:

Sec. 1-1. Purpose.

(a) The purpose of adopting these purchasing guidelines is to:

1. Provide OHPA with a system to obtain quality goods and services, in a timely manner and at a competitive rate; and
2. Ensure equity and fairness to all who deal with OHPA.

(b) This policy will apply to all purchases of OHPA irrespective of the source of funding, unless the purchase is made under a grant agreement that contains requirements for purchasing policies, disposition of fixed assets, etc. that differ from OHPA's policies. If there is a conflict between a grant provision or requirement and an OHPA policy, the grant provision or requirement will take precedence over OHPA policy.

Section 1-2. Authority of the Chair. The OHPA chair may solicit quotations, both verbal and written, and issue invitations to bid and requests for proposals. The Chair may delegate this authority to the Port Director.

Section 1-3. Delegation of Purchasing Authority. All OHPA purchases must have proper prior authorization and approval.

The approval levels are as follows (total purchase):

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|-----|------------------|--|
| (a) | \$0 - \$499 | Commissioners or Administrative Office Manager |
| (b) | \$500 - \$4,999 | Vice-Chair with signature of the Chair |
| (c) | \$5,000-\$10,000 | Chair |
| (d) | Over \$10,000 | OHPA Commission |

Purchase amounts shall not be artificially divided to circumvent the approval requirements.

Section 1-4. Quotations and bids. The quotation levels are as follows (individual item):

(a)	\$0 - \$249	none
(b)	\$250- \$4,999	two verbal quotes
(c)	\$5,000 - \$20,000	three written quotes
(d)	Over \$20,000	formal bid or request for proposals

Section 1-5. Competitive procurement required. All initial awards of contract for commodities and contractual services exceeding \$20,000 shall be awarded by OHPA through the process of competitive, sealed bidding or competitive requests for proposals except as otherwise provided herein.

Section 1-6. Exemptions from the competitive procurement requirement. The following are exempt from the requirements of formal competitive procurement:

- (a) Sole, source procurement; however all sole source procurements where the cost of the commodity or contractual service exceeds \$10,000 must be authorized by the commission;
- (b) Emergency procurements. The Chair may make or authorize emergency procurements of commodities or services when there exists a clear and present threat to public health, property, welfare, safety or other substantial loss to OHPA. The commission will be immediately notified of all emergency expenditures over ten thousand dollars \$10,000.
- (c) Purchases under contracts of the federal government, the State of Florida, or its political subdivisions. All purchases of commodities or services under the provisions of local, state and federal purchasing contracts shall be exempt from the competitive procurement requirements. However, such contracts must be approved by the commission if over \$10,000.
- (d) Exempt contractual goods and services not subject to the competitive procurement requirement. This category shall include services involving special skill, ability, training or expertise that are in their nature, unique, original or creative, in accordance with Fla. Stat. § 287.057(3)(e), as that section may be amended from time to time.

Section 1-7. Formal competitive procurement procedure.

- (a) Public Notice. Public notice of the invitation to bid or the request for proposals shall be provided a minimum of 10 calendar days prior to the date set forth in the notice for the opening of the bids or proposals. Such notice shall be provided by publication in a newspaper of general circulation in Nassau County, Florida. The notice shall state the place, date and time of the bid or proposal opening.
- (b) Bid proposal submission. Bids and proposals shall be submitted in a sealed envelope which shall be clearly identified as a bid or proposal on the exterior of the envelope and delivered to OHPA's Administrative Office Manager.
- (c) Bid or proposal security; performance or payment bonds. OHPA shall require bid or proposal security and performance or payment bonds for all contracts for construction of public buildings or works costing over \$200,000 and reserves the right to require same for contracts costing less than two hundred thousand dollars \$200,000.
- (d) Bid Opening.

1. Bids shall be opened publicly by the Chair at the time and place designated in the public notice of the invitations to bid.
2. Bids shall be read aloud and a tabulation of all bids received shall be made available for public inspection after the opening of the bid.

3. No late bids shall be accepted or opened if received after the date and time specified in the public bid notice. All late bids shall be returned, unopened to the bidder or offeror.

(e) Proposal opening. When the request for proposals procedure is used, the proposals shall be opened at the time and place designated in the public notice. A register of proposals shall be prepared and maintained by OHPA's Administrative Office Manager containing the name of each offeror.

(f) Modification to solicitation documents. Any modification of the invitation to bid or the request for proposals made prior to the opening of the responses to those solicitation documents shall be by addenda provided in writing to the same businesses to which the original solicitation documents were mailed or otherwise provided.

(g) Bid documents become property of OHPA. All bids or proposals along with accompanying documentation received from bidders or offerors in response to the invitation to bid or request for proposal shall become the property of OHPA and will not be returned. In the event of contract award, everything produced as part of the contract shall become the exclusive property of OHPA.

(h) Rejection of bids or proposals. OHPA may reject any and all bid(s), or proposal(s), for any of the following reasons:

1. If the evidence submitted by the bidder or offeror or the investigation of such bidder or offeror fails to satisfy OHPA that such bidder or offeror is properly qualified to carry out the obligations and complete the work contemplated therein.

2. If there is reason to believe collusion exists among bidders or offerors.

3. If the bid or proposal is not responsive, not properly delivered, not properly signed or is unsigned, shows serious omissions, alterations in form, additions not called for, conditions or unauthorized alterations, or irregularities of any kind. OHPA reserves the right to waive such technical errors as may be deemed in the best interest of OHPA.

Section 1-8. Award of Contract.

(a) Competitive bid procedure. The contract shall be awarded with reasonable promptness to the most responsive, responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid except as otherwise provided herein.

(b) Tie Bids. Tie bids will be decided by OHPA on a basis of quality, delivery time and other criteria as determined for the specific project.

(c) Request for proposals procedure and request letters of interest procedure. The award shall be made to a responsible offeror whose proposal is determined, to be the most advantageous to OHPA taking into consideration, price and the evaluation factors and criteria set forth in the request for proposals.

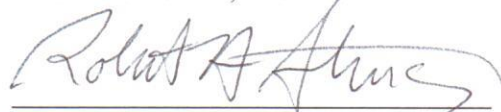
Section 1-9. Contracts for professional services. All contracts for professional services as that term is defined in the Consultants Competitive Negotiations Act, Fla. Stat. §287.055, as amended, from time to time, shall be awarded in accordance with the procedures set forth in that Act and any OHPA procedures adopted in furtherance of that Act.

Section 1-10. Should any section or provision of this Resolution or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Resolution.


Section 1-11. This Resolution will become effective upon adoption.

RESOLVED FURTHER THAT the Ocean Highway and Port Authority, Nassau County, Florida hereby adopts the foregoing Resolution, dated this 8th day of May, 2019.

OCEAN HIGHWAY AND PORT AUTHORITY,
NASSAU COUNTY, FLORIDA


Robert Sturgess, as its Chairman

ATTEST:


Carrol Franklin, as its Secretary

