

BOARD OF PORT COMMISSIONERS OF THE LEE COUNTY PORT AUTHORITY

1. **REQUESTED MOTION/PURPOSE:** Request Board adopt resolution amending the Lee County Port Authority Purchasing Manual
2. **FUNDING SOURCE:** N/A
3. **TERM:** N/A
4. **WHAT ACTION ACCOMPLISHES:** Amends various sections of the Purchasing Manual to establish procurement categories, conform to state law, modernize, updates the code of ethics, adopts values and guiding principles of public procurement, reinstates ability to purchase other professional services without competition, and clarifies definitions, lobbying provisions, trade secret redaction requirements, exemptions and p-card program objectives

5. **CATEGORY:** 2
Consent Agenda

6. **ASMC MEETING DATE:** 2/20/2024

7. **BoPC MEETING DATE:** 3/7/2024

8. AGENDA:

- CEREMONIAL/PUBLIC PRESENTATION
- CONSENT
- ADMINISTRATIVE

9. **REQUESTOR OF INFORMATION:**

(ALL REQUESTS)

NAME Brian W. McGonagle

DIV. Administration

10. BACKGROUND:

The last revision to the Lee County Port Authority Purchasing Manual was approved in 2022. Since that time, there have been changes to state law, specifically Florida Statute 332.0075, causing the existing language in the manual to become outdated. In addition, staff have identified sections within the manual that would benefit from updates and clarifications.

Summary of proposed improvements:

- **Change Purchasing to Procurement Manual; New Cover** - the use of the term "procurement" is more modern and encompasses a broader range of activities than "purchasing." The process of planning, sourcing, negotiating, contracting, managing and delivering is part of "procurement" and more accurately reflects the work being performed at the Port Authority.
- **Section 1: Procurement Policy - 1.2: Code of Ethics** - added to provide explicit guidance for employees while promoting integrity, and addressing specific procurement risks. **1.3: Procurement Values and Guiding Principles of Public Procurement** - added the values and guiding principles of public procurement to demonstrate LCPA's commitment to ethical professional conduct
- **Section 4: General Provisions - 4.4: Lobbying Restrictions** - changed to provide clarification of the beginning and end period for the restriction and further clarifies acts that constitute lobbying. **4.6.2: Trade Secrets** - updated the requirements for handling and managing trade secret information including maintaining a redacted record and responding to public records requests for information that contains trade secrets. **4.8:**

11. RECOMMENDED APPROVAL

<u>DEPUTY EXEC DIRECTOR</u>	<u>COMMUNICATIONS AND MARKETING</u>	<u>OTHER</u>	<u>FINANCE</u>	<u>PORT ATTORNEY</u>	<u>EXECUTIVE DIRECTOR</u>
Brian W. McGonagle	Victoria B. Moreland	N/A	David W. Amdor	Andrea R. Fraser	Benjamin R. Siegel

12. SPECIAL MANAGEMENT COMMITTEE RECOMMENDATION:

- APPROVED
APPROVED as AMENDED
DENIED
OTHER

13. PORT AUTHORITY ACTION:

- APPROVED
APPROVED as AMENDED
DENIED
DEFERRED to
OTHER

Background (continued)

Policy Administration - makes clear that the Senior Procurement Manager may develop a cooperative procurement strategy to serve the best interests of LCPA. **4.9 Performance and Payment Bonds/Insurance** - enhanced protection through imposing a bond rider to protect LCPA's interests when contract changes cause costs to increase by more than 5%

- **Section 5: Competitive Selection Methods** - updated to comply with revisions made in Florida Statutes; establishes procurement categories to identify procurement methods available for use in accordance with board approved thresholds. Category 1 - up to \$25,000.00; Category 2 - \$25,000.01 to \$250,000.00; Category 3 - \$250,000.00 and over. These thresholds have not been adjusted in several years. Changes are being proposed to better match business processes with inflationary growth and the growth of the Port Authority over time.
 - These category changes increase the threshold for informal competitive procurement requirements from \$10,000 to \$25,000 and increases the threshold requirement for formal competitive procurement requirements from \$100,000 to \$250,000.
 - Board approval is still required for all purchases valued at \$100,000 or more regardless of the procurement method used.
 - **5.2: Informal Competitive Procurement** - sets Informal quote procedures for quotes that require board approval, including broadcasting, sourcing and bond requirements.
- **Section 6: Exemptions from Competitive Solicitation Process** - updated to comply with revisions made in Florida Statute and reinstated authorization for Executive Director to make purchases of exempt items
- **Section 7: Contracts** - reinstated provision for purchases of services considered to be "Other Professional Services" - may be made without competition as authorized by the Executive Director up to board level; **7.1.C Vendor Name Changes** - Distinguishes between name changes that impact two party agreements and purchase orders
- **Section 9: Review of Letters of Qualifications and Proposals** - modernize terminology to 'Letters of Qualifications'
- **Section 11: Purchasing Card** - clarifications made to state the purpose of the program, describe the main elements of the program and explain the basis for use during emergency situations
- **Various minor language changes and edits to definitions** were made for clarification purposes.

A redlined version of the Lee County Purchasing Manual reflecting the proposed revisions is attached as well as the adopting resolution.

Attachments:

1. Proposed Amendments to the Lee County Purchasing Manual
2. Adopting Resolution