



ADMINISTRATION AND FINANCE
POLICY # 400.2 Procurement Policy
Supersedes Procurement Policy # 400.1

TITLE:
Procurement Policy
ADOPTED BY BOARD OF HARBOR COMMISSIONERS:
March 13, 2018
EFFECTIVE DATE:
This Administrative Policy is effective upon approval by the Board of Harbor Commissioners.
SUPERSESSION:
This policy supersedes Administrative Policy # 400 and Administrative Policy # 400.1
PURPOSE:
To set policy for the procurement of goods and services. This policy is made as required by Government Code Section 54201.
POLICY:
<p>It shall be the policy of the Board of Harbor Commissioners that all District purchases of services, supplies, materials and equipment shall be done in accordance, and comply with, Federal, California and local laws and regulations governing the expenditures of public funds. In addition, when feasible, the District is encouraged to consider the sustainability of the goods and services it purchases including the quantity waste they produce, their potential recyclability, energy use and generation of pollution through their use.</p> <p>I. MEMBERSHIPS: <i>Examples:</i> Includes but not limited to Industry Associations that benefit the Port both globally and locally and Professional Associations such as; AAPA, CAPA, APP, CMANC, GFOA, CSDA, CSMFO, (see acronym definitions below) or the Green Marine Environmental Program, etc.</p> <p><i>Policy:</i> The annual budget process shall identify Memberships and Associations that the Port is planning to engage. The Budget Workshop will present such items as being integrated into the Annual Budget and once adopted, will begin the authorization to join. For items not identified during the budget process, the CEO & Port Director, shall bring recommended Memberships to the Board as an agenda item for the Board's approval.</p> <p>II. PROFESSIONAL SERVICES</p>

Examples: Includes but not limited to professional services such as Engineering, Architectural, Legal, Financial, Audit, Insurance, Consulting, Temp help, Tree trimming, Environmental, etc.

Applicable Federal, State & Local Laws:

Public Contract Code [Requires competitive bidding on public works projects only]
Government Code Section 4526 [Governs selection of services of architect, engineer, environmental professional, land surveying or construction management services].

Outside of Public Works Projects, the District has the flexibility to retain these services to serve the best interest of the District.

Policy: District shall comply with the applicable laws in the Public Contract Code and Government Code Section 4526 in the selection of professional services governed by those statutes. The annual budget process shall identify outsourced Professional Services that the Port is planning to engage. The Budget Workshop will present such items as being integrated into the Annual Budget and once adopted, will be the authorization to contract for such services. For items not identified during the budget process, except as set forth in Policy #402.1, the CEO & Port Director shall bring forward to the Board as an agenda item for the Board's approval. No such Board approval is required if the purchase is within the authority granted to the CEO & Port Director under Policy #402.1.

III. SUPPLIES and EQUIPMENT:

Examples: Includes but not limited to; office supplies, cleaning supplies, promotional items, uniforms, copier machines, printers, computers, etc.

Policy: Quotes shall be obtained for purchases of services, supplies, materials and equipment as follows for those totaling:

- a.....less than \$5,000 shall not require multiple quotes.
- b.....\$5,000 to \$10,000 shall include at least Two (2) quotes whenever possible.
- c.....more than \$10,000 shall include at least Three (3) quotes whenever possible.
- d. The CEO & Port Director in the event of an emergency may authorize the bypass of multiple quotes.

Note: "Totals" shall include tax, shipping, etc.

IV. CONSTRUCTION:

Examples: Contracted services for the Construction of public works, including, but not limited to, buildings, terminals, utility projects, etc., and repair of the same.

Applicable Federal, State & Local Laws:

Public Contract Code; Civil Code Section 9000, et seq.

Policy: Except for work accomplished by the District's maintenance employees, District shall comply with the provisions of the Public Contract Code and Civil Code

Section 9000, et seq., governing public works for the procurement of bids and the requirements for contracts for the repair and construction of public works. In construction projects all work shall be done by contractors licensed by the State of California for the work and shall be awarded to the bidder licensed to perform the work who is a responsible bidder and bids the lowest qualifying price.

V. PROPERTY LEASING:

Examples: Leases between the Port and outside parties for the use of Port owned public property such as, but not limited to, On-Dock Properties, Refrigerated Terminals, Arcturus Avenue and Edison Road Properties etc.

Policy: Except for leases on a month-to-month tenancy, leases for a fixed term shall be submitted to the Board of Harbor Commissioners for approval. Leases for a month-to-month tenancy may be approved by the CEO & Port Director. Preference in leasing is to persons engaged in maritime commerce consistent with the District's mission statement.

VI. PREFERENCE TO LOCAL BUSINESSES:

Examples: Selecting Vendors, Firms, etc., that are based or have operations that have a financial impact in the local economy.

Applicable Federal, State & Local Laws:

Public Contract Code

Policy: It is the goal of the District that contractors bidding on Oxnard Harbor District public works contracts use local residents and businesses within the Oxnard Harbor District and the County of Ventura in pursuit of the goal of 30 percent of the work hours being performed by local residents. The term "local" means businesses or residents within the boundaries of the Oxnard Harbor District and the County of Ventura. Accordingly, in each advertisement for bids on public works construction projects, the District shall include a provision stating that bidders are urged to use local businesses and residents within the boundaries of the Oxnard Harbor District and the County of Ventura with the goal of 30 percent of work hours on the project being performed by residents within the District and County. Any award however, must be in the best interest of the port, providing flexibly to use non-local businesses as determined by the CEO & Port Director for purchases \$25,000 and under and as authorized by the Board for purchases over \$25,000.

VII. MASTER SERVICE AGREEMENT:

Examples: Used for agreements to provide specific services such as but not limited to, Marketing, Engineering, Consulting etc.

Policy: The port can place companies on an MSA and assign services by task order. The preferred approach for selecting such firms shall be by the RFP process.

VIII. SOLE SOURCING:

Examples: The selection of a specific Vendor or Firm without going out to public bid.

Applicable Federal, State & Local Laws:

Public Contract Code; Government Code Section 4526

Policy: The District may choose to sole source certain procurements when deemed in the best interest of the port in the matter of service, availability, timing, financial impact, environmental impact, etc.

RELATED POLICIES:

Policy #402.1 – Spending Authority Policy

DEFINITIONS:

MEMBERSHIPS: AAPA- American Association of Port Authorities, CAPA-California Association of Port Authorities, APP-Association of Pacific Ports, CMANC-California Marine Affairs and Navigation Conference, GFOA-Government Finance Officers Association, CSDA-California Special District's Association, CSMFO- California Society for Municipal Finance Officers

VENDOR: The person or firm supplying services, supplies, materials and/or equipment.

MASTER SERVICES AGREEMENT, MSA: A Master Services Agreement, MSA is a legal binding contract entered into by two or more parties. The agreement goes into immense detail regarding the basis of a usually service-oriented contract.

SERVICE CONTRACTS: Used for professional outside services where terms and conditions apply for performance and expectations including the use of labor, supplies and materials. The form of contract may be either the vendor's standard contract or a contract prepared for specific services. Each Budget Manager shall obtain approval from the CEO & Port Director for the type of contract form to be used.

SOLE SOURCING: The purchase of certain items from a single source vendor that either matches existing furnishings and/or equipment, or has been determined by the Board of Harbor Commissioners that the purchase of the item from a designated vendor is in the best interest of the District and provides the best long-term value for the District.

EMERGENCIES: Public contract code section 1102 defines an emergency "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property or essential public services.

POLLUTION: Pollution sources may include but are not limited to: solid waste, odors, noise, dust or other air pollutants (e.g. PM₁₀, PM_{2.5}). May include the introduction of unwanted contaminants in quantities or volumes that may pose a risk to the environment, community, air, land, or water resources.