



PROCUREMENT POLICY AND PROCEDURES



BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS

PROCUREMENT POLICIES AND PROCEDURES
POLICY STATEMENT

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POLICY STATEMENT It is the responsibility of the Brownsville Navigation District to represent the best interest of the District's various vendors and taxpayers. In order to fulfill this responsibility, the District has developed this *Procurement Policy and Procedures* to provide a fair and consistent treatment of its vendors, and to ensure that public funds are expended in the most prudent manner.

Additionally, it is the responsibility of the District and its employees to comply with the purchasing limitations and procedures mandated by applicable state laws and the Board of Commissioners. In the event that the District should assume local sponsorship of any project, funded in whole or in part by the Government of the United States of America, it is necessary that the procurement policy utilized in expending such reimbursable funds comply with all Federal procurement laws and policies applicable to the particular project. It is beyond the scope of this policy to consider the many federal procurement laws and policies applicable to each of the numerous forms of Federal project funding available to the District.

The District will attempt to locate qualified vendors located within the boundaries of the District and give them every opportunity to compete for the District's purchases of goods and services. The District has incorporated into this Procurement Policy a Local Preference Option (C205) which will provide the District with the opportunity to encourage local companies to do business with the District, thereby providing increased competition and potentially strengthening the economy for businesses and residents within the District. The Local Preference Option is authorized for use in the purchase of real property or personal property that is not affixed to real property.

PROCUREMENT POLICIES AND PROCEDURES

PURPOSE

PURPOSE

The purpose of this policy is to:

- Define those provisions of the law of the State of Texas applicable to purchases made by the District.
- Establish the fiscal limits of purchasing authority delegated by the Board of Commissioners to the Port Director and CEO (Level 1 Supervisor), the Deputy Port Director(s) (Level 1 Supervisors) and the Department Directors (Level 2 Supervisors).
- Establish the procedure to be followed for approval and purchase of all goods or services that are required for the operations of the Brownsville Navigation District.

PROCUREMENT POLICIES AND PROCEDURES
DEFINITIONS

APPROVED VENDOR	<u>Approved Vendor</u> - Any vendor until they have been found to be unsatisfactory. Those vendors found to be unsatisfactory will be placed on a listing that is maintained by the Director of Finance at the request of any District employee with purchasing authority under this Policy. The reason that the vendor is listed as unsatisfactory will be noted on the listing along with the name of the District employee who has requested that the vendor be placed on the list. The appropriate Level 1 Supervisor shall approve additions to the listing of unsatisfactory vendors. The Director of Finance will send a notice of their inclusion on the listing of unapproved vendors by mail to the vendor in question along with the reason for their inclusion. This notice will also detail the measures, if any, that the vendor can take to remove their name from the listing of unapproved vendors. The Level 1 Supervisor will approve the removal of vendors from the listing of unapproved vendors.
AUTHORIZED OFFICER	<u>Authorized Officer</u> – The employee of the District who has been authorized, in addition to the Port Director and CEO, in writing, by the Board of Commissioners to make emergency purchases under Policy C205.
BOARD/BOARD OF COMMISSIONERS	<u>Board/Board of Commissioners</u> – The Board of Navigation and Canal Commissioners of the Brownsville Navigation District.
BUDGET ADJUSTMENT	<u>Budget Adjustment</u> – This is the increase or decrease of a budgeted item that is offset by a compensating adjustment or adjustments to another budgeted item in the same division. This adjustment may not affect the net income projected in the adopted budget. A budget adjustment requires the approval by a Level 1 Supervisor.
BUDGET AMENDMENT	<u>Budget Amendment</u> – This is the increase or decrease of a budgeted item that is not offset by a compensating adjustment to a budgeted item in the same division. This adjustment may or may not affect the net income projected in the adopted budget. A budget amendment requires approval by the Board of Commissioners in open session.
BUDGET CONTROL SYSTEM	<u>Budget Control System</u> – The computerized accounting package in use by the Brownsville Navigation District that employs an encumbering system that allows users to track expenditures by division and account number against the authorized budget for the current fiscal year.
COMPUTER ACCOUNTING AND REQUISITION SYSTEM	<u>Computer Accounting and Requisition System</u> – The computerized accounting package in use by the Brownsville Navigation District to perform some or all of the functions required for purchasing, auditing and accounting (The “Accounting System”).

PROCUREMENT POLICIES AND PROCEDURES
DEFINITIONS

DEBARRED OR SUSPENDED VENDOR	<u>Debarred or Suspended Vendor</u> – Any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, “Debarment and Suspension.”
DISTRICT	<u>District</u> – The Brownsville Navigation District.
EMERGENCY PURCHASE	<u>Emergency Purchase</u> – The purchase of goods or services that must be obtained in a case of public calamity; or goods or services necessary to preserve or protect the public health or safety; or goods or services made necessary by unforeseen damage to the property of the Brownsville Navigation District; or goods or services required to be purchased in response to directives from a federal or state agency responsible for domestic security during a period of heightened security. These items must be exempted by Section 60.412 of the Water Code.
LEVEL 1 SUPERVISOR	<u>Level 1 Supervisor</u> – The Port Director and CEO or the Deputy Port Director(s). In the absence of the Port Director and CEO, the Deputy Port Director shall assume the responsibilities and authority of the Port Director and CEO under the <i>Procurement Policies</i> .
LEVEL 2 SUPERVISOR	<u>Level 2 Supervisor</u> – Department Directors, including the Harbormaster and the Chief of Police. In the absence of a Level 1 Supervisor, a Level 2 Supervisor may assume the responsibilities and authority of the Port Director and CEO under the <i>Procurement Policies</i> , with the exception of the authority to make emergency purchases under C205(Local), which authority must be conferred by the Board of Commissioners in writing.
LISTED COMPANIES	<u>Listed Companies</u> – Companies known to have contracts with or provide supplies or services to a foreign terrorist organization. Under Texas Government Code 2252.152, the Comptroller will prepare and maintain, and make available to each governmental entity, a listing of these companies.
LOCAL BUSINESS	<u>Local Business</u> - A business having a Principal Place of Business within the Brownsville Navigation District taxing area.
PLANNED PURCHASE	<u>Planned Purchase</u> – All purchases that are not emergency purchases.

PROCUREMENT POLICIES AND PROCEDURES
DEFINITIONS

PRINCIPAL PLACE OF BUSINESS	<u>Principal Place of Business</u> – The headquarters or the primary executive or administrative office of the business; or an established office, plant, store, warehouse or other facility where the majority of the business' operations and transactions are conducted and located. This does not include a message center, post office box, mail drop or similar non-substantial business service or activity.
PROCUREMENT/ PURCHASE	<u>Procurement/Purchase</u> – The terms procurement and purchase in this policy refer to all purchases of goods or services required for the operation of the Brownsville Navigation District. The terms do not include an installment or other payment made pursuant to a contract approved by the Board of Commissioners.
PURCHASING AUDITOR	<u>Purchasing Auditor</u> – The Director of Finance or a representative designated by the Director of Finance who will be responsible for monitoring the implementation of this policy.
PURCHASE ORDER	<u>Purchase Order</u> – The written authorization requesting a vendor to furnish goods or services to the Brownsville Navigation District. May be computer generated in part or in whole.
PURCHASE ORDER SYSTEM	<u>Purchase Order System</u> – The system of control of purchases for the Brownsville Navigation District. This system includes the use of the Purchase Requisition Form, the Purchase Order Form, signature authority levels, and the Computer Accounting and Requisition Program.
PURCHASE REQUISITION	<u>Purchase Requisition</u> - The written request for authorization to make a purchase generated by a department of the Brownsville Navigation District. May be computer generated in part or in whole.
PURCHASE REQUISITION WORKSHEET	<u>Purchase Requisition Worksheet</u> – The worksheet prepared to record the oral quotes solicited and/or to summarize the written quotes received in relation to a Purchase Requisition.
PURCHASING CLERK	<u>Purchasing Clerk</u> – The District employee(s) assigned by the Director of Finance the duties and responsibilities of processing Purchase Orders.
RECEIVING CLERK	<u>Receiving Clerk</u> – The District employee(s) assigned the responsibility for receiving merchandise delivered to the District.
REQUEST FOR BIDS OR INVITATION FOR BIDS	<u>Request for Bids or Invitation for Bids</u> - The Request for Bids or Invitation for Bids is used when there is no substantive difference among the products or services that meet specifications so that the only difference among responsive bids is the price. The Request for Bid or Invitation for Bid is evaluated according to costs.

PROCUREMENT POLICIES AND PROCEDURES
DEFINITIONS**REQUEST FOR
PROPOSALS**

Request for Proposals - A Request for Proposals is utilized when the request involves evaluation and selection criteria that include factors that are more than just the price, when the use of a conventional evaluation based solely on price may not get the product or service required. A Request for Proposals will include specific predetermined, weighted, evaluation criteria that will be used to rank the proposals received to determine which proposal delivers the best value to the District. Allowable evaluation criteria are found in the Water Code, Section 60.458, and include:

- the purchase price;
- the reputation of the vendor and of the vendor's goods or services;
- the quality of the vendor's goods or services;
- the extent to which the goods or services meet the District's needs;
- the vendor's past relationship with the District;
- the total long-term cost to the District to acquire the vendor's goods or services; and
- any other relevant factor specifically listed in the request for proposals.

REQUESTING PARTY

Requesting Party – The District employee with the appropriate level of purchasing authority who has properly completed a Purchase Requisition, or his/her designated representative.

PROCUREMENT POLICIES AND PROCEDURES
APPLICATION OF LAW

**44CFR: EMERGENCY
MANAGEMENT AND
ASSISTANCE**

44 CFR § 13.35 – Sub awards to debarred and suspended parties – The District may not award a contract or make any purchase from a vendor who is on the Suspended and Debarred Parties list when federal funds are used in whole or in part.

**CHAPTER 60 TEXAS
WATER CODE**

Chapter 60, Texas Water Code - All purchases made by the District shall be made in accordance with the provisions of Subchapter N, Chapter 60 of the Water Code in effect on the date of the purchase, or a corresponding section of a subsequently enacted or amended state law applying to navigation districts.

The Resolution of the Board of Commissioners of the Brownsville Navigation District adopting the provisions of Subchapter N can be found in Policy C210(EXHIBIT A). Also, provided, however, that no provision of Subchapter N, or amendment thereto, resulting in Subchapter N's being less restrictive than the provisions of this policy shall serve to change this policy, without action by the Board of Commissioners.

Nothing in this policy shall be interpreted as adopting Subchapter O (Purchase Contract), Chapter 60 of the Water Code. However, nothing in this shall be interpreted as to prevent the adoption of Subchapter O (Purchase Contracts) by the Board of Commissioners regarding a particular project. .

**CHAPTER 2252.151 -
2252.154, TEXAS
GOVERNMENT
CODE**

Chapter 2252.151 through Chapter 2252.154, Texas Government Code – The District shall comply with the provisions of Chapter 2252.151 through Chapter 2252.154, Texas Government Code in the selection of vendors. The District will not make any purchases from Listed Vendors as specified in this Subchapter F of the Texas Local Government Code. The Purchasing Auditor shall review requests for new vendors to assure that they are not Listed Companies under the terms of these Chapters.

**CHAPTER 2254,
TEXAS
GOVERNMENT
CODE**

Chapter 2254, Texas Government Code – The District shall comply with the provisions of Chapter 2254, Texas Government Code, in the procurement of professional and consulting services.

PROCUREMENT POLICIES AND PROCEDURES
APPLICATION OF LAW**SUBCHAPTER D,
LOCAL
GOVERNMENT
CODE**

Subchapter D, Texas Local Government Code – The District shall, whenever practicable, take advantage of the purchasing programs that have been or may be established by the Texas State Comptroller under Section 271.082 of the Local Government Code which perform purchasing services for local governments. The District's intention to participate in any such established purchasing program shall be evidenced by a Resolution of the Board of Commissioners to be filed with the appropriate commission, in compliance with Section 271.083 of the Local Government Code. Purchases that are made through a purchasing program established by the Texas State Comptroller under Subchapter D of the Local Government Code are deemed to be in compliance with all competitive bidding requirements.

**SUBCHAPTER F,
LOCAL
GOVERNMENT
CODE**

Subchapter F, Texas Local Government Code – The District shall, whenever practicable, take advantage of the cooperative purchasing programs that have been or may be established by organizations of government under Section 271.102 of the Local Government Code which perform purchasing services for local governments. Purchases that are made through a cooperative purchasing program established under Subchapter F of the Local Government Code are deemed to be in compliance with all competitive bidding requirements.

PROCUREMENT POLICIES AND PROCEDURES
LOCAL PREFERENCE OPTION

PURPOSE	The Local Preference Option allows the District to evaluate each procurement of real property or personal property that is not affixed to real property and to award bids submitted by a local business that offers the District the best combination of purchase price and additional economic development benefits for the District created by the award, including employment of residents of the District and/or increased tax revenues for the District.
LOCAL GOVERNMENT CODE	The District is authorized to use a Local Preference Option by the Texas Local Government Code, Section 271.905.
3% DIFFERENTIAL THRESHOLD - BIDS	If the District receives one or more bids in response to a Request for Bids or an Invitation for Bids from a vendor who is a Local Business and whose bid price is within 3% of the lowest price received by the District from a vendor who is not a Local Business, the District may award the purchase to the vendor submitting the lowest bid or the Local Business.
3% DIFFERENTIAL THRESHOLD - PROPOSALS	The District may not use the Local Preference Option as one of the Evaluation Criteria in the evaluation and award of a proposal received in response to a Request for Proposals.
DISTRICT MUST FIND THAT BENEFITS WILL BE DERIVED FROM PURCHASE	In order to invoke the Local Preference Option, the District must find, in writing, that the making of the purchase from the Local Business offers the District the best combination of contract price and additional economic development opportunities for the District created by the award of the purchase, including the employment of residents of the District and increased tax revenues to the District.
MAY REJECT ALL BIDS OR PROPOSALS	The District is not prohibited by this section from rejecting all bids or proposals.
AGENDA PRESENTATION	<p>When the Local Preference Option will be used in recommending the award of a purchase, agenda items must specifically specify this fact. For example:</p> <p>Consideration and action to award a bid, including the utilization of the Local Preference Option, for [specified goods].</p> <p>The local economic benefit justification shall be included in the agenda item backup discussion for the Board's review.</p>

PROCUREMENT POLICIES AND PROCEDURES
LOCAL PREFERENCE OPTION

REQUEST FOR BIDS NOTICE	Requests for Bids or Invitations for Bids must include notice that the District reserves the right to invoke the Local Preference Option in the award of the purchase.
FEDERAL FUNDS EXCLUSION	The Local Preference Option may be precluded in purchases that will be paid for out of federal funds.

PROCUREMENT POLICIES AND PROCEDURES
PROCUREMENT PROCEDURES

**APPROVAL
AUTHORITY**

The approval of purchases of various dollar values shall be made by the individuals shown below:

- A. Up to \$500.00 Level 2 Supervisor
- B. \$500.01 to \$24,999.99 Level 1 Supervisor
- C. \$25,000.00 and greater The Board of Commissioners during open session

**APPROVAL
AUTHORITY FOR
EMERGENCY
PURCHASES**

The Port Director and CEO is authorized to make emergency purchases or contracts or emergency amendments to existing purchase orders or contracts in an amount that exceeds \$25,000.00 if necessary:

- A. To preserve or protect the public health and safety of the residents of the District;
- B. To preserve the property of the District in the case of a public calamity;
- C. To repair unforeseen damage to the property of the District; or
- D. To respond to security directives issued by:
 - 1. The federal Department of Homeland Security, including the Transportation Security Administration;
 - 2. The United States Coast Guard;
 - 3. The federal Department of Transportation;
 - 4. Another federal or state agency responsible for domestic security.

In the absence of the Port Director and CEO, the Deputy Port Director(s) shall assume the authority of the Port Director and CEO to make emergency purchases under this item.

**AUTHORIZED
OFFICER**

The Board of Commissioners may authorize another officer of the District, in writing, to make emergency purchases or contracts or emergency amendments to existing purchase orders or contracts that exceed the amounts authorized for routine purchases or contracts under this policy if necessary:

- A. To preserve or protect the public health and safety of the residents of the District;
- B. To preserve the property of the District in the case of a public calamity;
- C. To repair unforeseen damage to the property of the District; or
- D. To respond to security directives issued by:
 - 1. The federal Department of Homeland Security, including the Transportation Security Administration;
 - 2. The United States Coast Guard;
 - 3. The federal Department of Transportation;
 - 4. Another federal or state agency responsible for domestic security.

**REPORTING
REQUIREMENT**

The Port Director and CEO or authorized officer shall notify the Board of Commissioners of any emergency purchase made under this policy not later than 48 hours after the purchase is made.

PROCUREMENT POLICIES AND PROCEDURES

PROCUREMENT PROCEDURES

**PROCUREMENT
PROCEDURES**

The procedures to be followed for approval and purchase of all goods and services by the District are hereby initially established as shown in Policy C206 (EXHIBIT A).

**AMENDMENT OF
PROCUREMENT
PROCEDURES**

The Port Director and CEO is authorized to amend Policy C206 (EXHIBIT A) as necessary (e.g. to correspond with changes in organizational structure) without affecting the validity of the other provisions of this policy.

PROCUREMENT POLICIES AND PROCEDURES
PROCUREMENT PROCEDURES

Exhibit A: Procurement Procedures – 11 pages

Exhibit B: Purchase Requisition Worksheet – 1 page

Exhibit C: Vendor Registration Form – 1 page

Exhibit D: Sole Source Statement – 1 page

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT A - PROCUREMENT PROCEDURES

PROCUREMENT PROCEDURE FUNCTION	This <i>Procurement Procedure</i> document will function as the reference document for all purchases.
RESPONSIBILITIES	<p>The Level 2 Supervisor of each Department will be responsible to the Port Director and CEO for the purchases made by his department, including, but not limited to:</p> <ul style="list-style-type: none">Implementation and adherence to District procedures and/or directives from proper authority for the function of the purchasing system.Receipt, storage, security and issue of all supplies and equipment per District procedures and/or directives from proper authority.Coordination with other departments to insure a cohesive effort in an efficient and economical operation of the District.Proper documentation of all purchases initiated by his department. <p>The Level 2 Supervisor assigned to each Divisional Budget will be responsible for assuring that the divisional budgets are not exceeded. Should the Level 2 Supervisor discover a need for a budget amendment or budget adjustment, the Director of Finance must be immediately notified so that appropriate steps may be taken.</p>
RECOGNITION OF NEED	<p>An employee at any level may recognize a need and initiate the purchase.</p> <p>If the employee has Level 1 or Level 2 authority, he shall follow the procedure outlined below.</p> <p>If the employee does not have Level 1 or Level 2 authority, he shall report the need to his supervisor for action.</p>
SELECTION AND QUALIFICATION OF VENDORS	<p>Once a need has been determined, the Requesting Party must select the vendor or vendors to be contacted to fulfill the quote/bidding requirements of these procedures. Quotes or bids must be solicited from vendors reasonably expected to be able to provide the requested goods or services.</p> <p>The Requesting Party is responsible for completing a New Vendor Form and submitting it to the Purchasing Clerk to process the addition of a new vendor to the Accounting System.</p> <p>The Purchasing Auditor must approve the New Vendor Form to assure that the vendor is not a Listed Company.</p> <p>The Requesting Party must provide new vendors with a Conflict of Interest Questionnaire.</p>

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT A - PROCUREMENT PROCEDURES**PURCHASE
REQUISITION**

The Requesting Party shall complete the Purchase Requisition with the detail appropriate for the purchase, entering all data required, in the Accounting System. An estimate of the cost of the items shall be included where the actual price is not known to the Requesting Party. Purchase Requisitions with negative line-item budget amounts will not be processed until corrective action has been initiated and approved by a Level 1 Supervisor

The unit price of each item shall be indicated on the purchase requisition. This unit price shall be ascertained by following the quotation procedures specified below for the appropriate dollar amount of the total Purchase Requisition.

The electronic Purchase Requisition includes a tab entitled "Bid/Quote". All pertinent information gathered in the preparation of the Purchase Requisition in regard to bids or quotes appropriate to dollar amount of the purchase is to be entered into this tab. All appropriate documentation for the dollar amount of the purchase must be electronically attached to the Purchase Requisition. This documentation includes, but is not limited to:

- Bid Solicitation
- Bid List
- Written Quotes
- Sole Source Statement
- Minutes of the Meeting that the Purchase was Approved

The approval of the employee(s) with the appropriate purchasing authority on the completed Purchase Requisition shall serve to validate the Purchase Requisition.

Once completed, the Purchase Requisition shall be submitted electronically to the employee(s) with the appropriate level of signing authority for authorization.

**PURCHASING
AUTHORITY AND
QUOTATION
REQUIREMENTS**

All purchases are subject to the purchasing authority and quotation requirements as follows.

**PURCHASING
ASSOCIATIONS AND
COOPERATIVES**

All purchases made through the cooperative purchasing programs authorized under Subchapter D or Subchapter F of the Local Government Code are deemed to comply with competitive bidding requirements under the law and the solicitation of quotations required in this policy, so long as the procedures established by the cooperative program are followed. Purchase Requisitions and Purchase Orders will still be required as described in these Procedures.

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT A - PROCUREMENT PROCEDURES

(EXHIBIT A)

PURCHASES FROM FEDERAL, STATE AND LOCAL GOVERNMENTS	Purchases of surplus equipment and materials from Federal, State and Local governments and agencies of less than \$25,000 are deemed to comply with the solicitation of quotations required in this policy. Purchase Requisitions and Purchase Orders will be required as described in Item IV of these Procedures and approval authority will be required as appropriate to the dollar amount of the purchase.
PURCHASES UP TO \$500.00	Purchases up to and including \$500.00 (Open market, Level 2 approval) For planned purchases of up to and including \$500.00, a Level 1 or Level 2 Supervisor, or his authorized representative, shall complete a Purchase Requisition. A Purchase Requisition shall be prepared as specified above, and shall be approved by a District employee with Level 1 or Level 2 authority. Such purchases may be made in the open market, preferably from a vendor maintaining a place of business within the District's geographic limits, after the Requesting Party has made such inquiry as he/she deems necessary to ensure that the price obtained is the most advantageous to the District. Neither written nor verbal quotations are required for these purchases.
PURCHASES OVER \$500.00 TO LESS THAN \$3,000.00	Purchases over \$500.00 to less than \$3,000.00 (Open market, Level 1 approval) For planned purchases over \$500.00 to less than \$3,000.00, a Level 1 or Level 2 Supervisor, or his authorized representative, shall complete a Purchase Requisition. A Purchase Requisition shall be prepared as specified above, and shall be approved by a District employee with Level 1 authority. Such purchases may be made in the open market, preferably from a vendor maintaining a place of business within the District's geographic limits, after the Requesting Party has made such inquiry as he/she deems necessary to ensure that the price obtained is the most advantageous to the District. Neither written nor verbal quotations are required for purchases less than \$3,000.00.
PURCHASES FROM \$3,000.00 TO LESS THAN \$5,000.00	Purchases from \$3,000.00 to less than \$5,000.00 (Oral quotes, Level 1 approval) For planned purchases of \$3,000.00 or more but less than \$5,000.00, a Level 1 or Level 2 Supervisor, or his authorized representative, shall complete a Purchase Requisition. The Purchase Requisition shall be prepared as specified above, and shall be approved by a District employee with Level 1 authority. The Requesting Party shall solicit oral quotations from at least three suppliers, preferably those maintaining a place of business within the District's geographic limits. The information obtained shall be listed on the "Bid/Quote" tab of the Purchase Requisition screen on the Accounting System.

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT A - PROCUREMENT PROCEDURES

(EXHIBIT A)

**PURCHASES FROM
\$5,000.00 TO LESS
THAN \$10,000.00****Purchases from \$5,000.00 to less than \$10,000.00
(Written quotes, Level 1 approval)**

For planned purchases of \$5,000.00 or more but less than \$10,000.00, the Level 1 or Level 2 Supervisor, or his authorized representative, shall complete a Purchase Requisition. The Purchase Requisition shall be prepared as specified above, and shall be approved by a District employee with Level 1 authority. The Requesting Party shall solicit **written** quotations from at least three suppliers, preferably those maintaining a place of business within the District's geographic limits. The information obtained shall be listed on the "Bid/Quote" tab of the Purchase Requisition screen on the Accounting System. The written quotations must be electronically attached to the "Documents" tab of the Purchase Requisition.

**PURCHASES OF
\$10,000.00 TO LESS
THAN \$25,000.00****Purchases of \$10,000.00 to less than \$25,000.00
(Sealed quotes)**

For planned purchases of \$10,000.00 or more but less than \$25,000.00, the Level 1 or Level 2 Supervisor, or his authorized representative, shall complete a Purchase Requisition. The Purchase Requisition shall be prepared as specified above, and shall be approved by a District employee with Level 1 authority. The Requesting Party shall solicit **sealed, written** quotations from at least three suppliers, preferably those maintaining a place of business within the District's geographic limits. Sealed quotations for a purchase shall be opened at a pre-designated time by the Director of Finance, or his/her designated representative. The information obtained shall be listed on the "Bid/Quote" tab of the Purchase Requisition screen on the Accounting System. The written quotations must be electronically attached to the "Documents" tab of the Purchase Requisition.

**PURCHASES OF
\$25,000.00 TO LESS
THAN \$50,000.00****Purchases of \$25,000.00 to less than \$50,000.00
(Sealed quotes, Board approval)**

For planned purchases of \$25,000.00 to less than \$50,000.00, the Level 1 or Level 2 Supervisor, or his authorized representative, shall complete a Purchase Requisition. The Purchase Requisition shall be prepared as specified above. The Requesting Party shall solicit **sealed, written** quotations from at least three suppliers, preferably those maintaining a place of business within the District's geographic limits. Sealed quotations for a purchase shall be opened at a pre-designated time by the Director of Finance, or his/her designated representative. The information obtained shall be listed on the "Bid/Quote" tab of the Purchase Requisition screen on the Accounting System. The written quotations must be electronically attached to the "Documents" tab of the Purchase Requisition. The Level 1 Supervisor shall then place an item on the agenda for the next Board of Commissioners meeting to request that the Board of Commissioners approve the purchase. The Purchase Requisition shall then be approved for the issuance of a Purchase Order. The minutes of the meeting at which the purchase was approved must be electronically attached to the "Documents" tab of the Purchase Requisition.

PROCUREMENT POLICIES AND PROCEDURES

(EXHIBIT A)

EXHIBIT A - PROCUREMENT PROCEDURES

	<p>In soliciting quotations from suppliers, the Requesting Party must assure that there is a comprehensive effort to include as many eligible suppliers in the process as possible. Utilization of electronic means of solicitation should be a part of the process, and the practice of creating and using bidder lists is encouraged.</p>
<p>DESIGNATION OF SIGNING AUTHORITY</p>	<p>The Port Director and CEO is authorized to designate a District employee with Level 2 authority to approve Purchase Requisitions requiring Level 1 approval authority in the event that he and the Deputy Port Director(s) are out of the office at the same time.</p>
<p>PURCHASES OF \$50,000.00 OR MORE</p>	<p>Purchases of \$50,000.00 or more (Sealed quotes, Board approval)</p> <p>For purchases of \$50,000.00 or more, the Level 1 Supervisor shall place an item on the agenda for the next Board of Commissioners meeting to request authority to solicit sealed competitive bids or sealed proposals as appropriate under law. The Port Director and CEO is authorized to proceed with the advertising requirements pending Board approval; however, the bids or proposals will not be opened until the Board has approved the solicitation of bids or proposals. Bids for purchases of \$50,000.00 or more which have received Board approval as itemized in this section, will be opened by the Director of Finance, or his/her designated representative.</p> <p>Once the Board has taken action to award the purchase, a Purchase Requisition and Purchase Order may be processed following the procedures set out for purchases of \$25,000.00 to less than \$50,000.00 above.</p>
<p>DEBARRED AND SUSPENDED VENDORS</p>	<p>In the event that a purchase is to be made in whole or in part from Federal funds, the District must assure that the vendor selected is not on the list of parties that are debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549. The requesting party must request a SAMs Exclusion Report from the Director of Finance. The SAMs Exclusion Report, if clear, must be attached to the contract or to the purchase order, as appropriate. If the SAMs Exclusion Report is not clear, the contract may not be awarded and/or the purchase order may not be processed for that vendor.</p>
<p>APPLICATION OF LAW</p>	<p>Subchapter N of Chapter 60 of the Water Code, and Chapter 2254, Texas Government Code shall be followed.</p>

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT A - PROCUREMENT PROCEDURES**EMERGENCY
PURCHASES****Emergency Purchases**

The Port Director and CEO or an authorized officer of the District may make emergency purchases or contracts or emergency amendments to existing purchase orders or contract in an amount that exceeds the amount authorized for routine purchases or contracts if the purchases are for:

- A. An item that must be purchased in a case of a public calamity if it is necessary to make the purchase promptly to relieve the necessity of the public or to preserve the property of the District;
- B. An item necessary to preserve or protect the public health or the safety of the residents of the District;
- C. An item made necessary by unforeseen damage to the property of the District;
- D. Any item necessary to secure the District during a period of heightened security as determined by:
 1. The federal Department of Homeland Security, including the
 2. Transportation Security Administration;
 3. The United States Coast Guard
 4. The United States Bureau of Customs and Border Protection;
 5. The Federal Bureau of Investigation;
 6. The federal Department of Transportation, including the Maritime Administration; or
 7. Another federal, state, or local agency.

The Port Director and CEO or the authorized officer of the District shall notify the Board of Commissioners of any purchase made under this section no later than 48 hours after the purchase is made.

Emergency Purchases must meet the criteria outlined in the Policy C207(LOCAL) EXEMPTIONS. A Purchase Requisition must be completed and submitted for processing within two working days following the date of the emergency purchase. This Purchase Requisition and the resulting Purchase Order are to be prepared following the procedures for a planned purchase. The box "Emergency Purchase" on the Purchase Requisition is to be marked.

Competitive quotation and bidding requirements are waived for emergency purchases. Signature authority must still be met. Emergency purchases of \$25,000.00 and greater must be reported to the Board of Commissioners in open session at their next meeting for ratification.

PROCUREMENT POLICIES AND PROCEDURES

(EXHIBIT A)

EXHIBIT A - PROCUREMENT PROCEDURES

SOLICITATION OF QUOTES

It is the responsibility of the Requesting Party to solicit oral or written quotes from approved vendors as is appropriate to the level of the purchase. The results of this solicitation shall be recorded on the Purchase Requisition Worksheet. Recognizing that the District cannot compel vendors to respond to requests for quotes, the fact that three quotes have not been obtained shall not prevent the completion of a particular purchase. In this event, the Requesting Party is responsible to make a good faith effort to obtain three quotes from vendors who are in the business of providing the subject goods and/or services. The Requesting Party should make every attempt to locate vendors within the boundaries of the District before soliciting quotes from vendors outside of the District's boundaries. Proper documentation of these efforts, to include contact names, phone numbers, dates of contact, and the results of the contact, shall be recorded on the Purchase Requisition Worksheet.

Once the appropriate quotations have been obtained, the Requesting Party will select the approved vendor with whom the purchase will be made. Vendor selection should be made on the basis of cost, service, and/or product availability, in addition to the vendor's physical location.

Bid packets and advertising for bids or proposals shall be the responsibility of the Requesting Party.

It is expressly prohibited for District employees to disclose a quote received from one vendor to any other prospective vendor. It is expressly prohibited for a District employee to request that a vendor provide a lower quote once a quote has been received from another vendor. Once the quotes have been solicited and received from vendors, the Requesting Party may attempt to negotiate a lower price or better terms with the vendor providing the lowest quote. All requests for this information shall be handled as requests for Public Information.

SOLE SOURCE STATEMENT

If an item that is classified as exempt under item G above is purchased, the Requesting Party shall sign a statement as to the existence of only one source for the purchase and the District shall electronically attach the statement to the Purchase Requisition. A sample of this form can be found in Policy C206(EXHIBIT D).

PURCHASE ORDER ACCOUNTABILITY

All purchases of goods and/or services for the District must be made within the Purchase Order System.

Purchase Order numbers shall be controlled by the Accounting System. Each Purchase Order shall be accounted for by number.

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT A - PROCUREMENT PROCEDURES

(EXHIBIT A)

COMPLETION AND PROCESSING OF PURCHASE ORDERS	The completed Purchase Requisition will be submitted through the Accounting System to the Level 1 or Level 2 Supervisors with signing authority appropriate to the level of the purchase. Once the Purchase Requisition has received the required approvals, the Purchasing Clerk will issue a Purchase Order and the Requesting Party will be notified.
RECEIVING REPORT	The Receiving Report is to be used to notify the Accounts Payable Clerk of the receipt of the purchased goods or services. Acceptable forms of notification of the receipt of goods or services include, but are not limited to, a signed sales receipt, a signed packing list, or a signed invoice. This report shall be submitted promptly upon receipt of the goods or services.
MERCHANDISE TO BE DELIVERED TO THE DISTRICT	Upon receipt of the merchandise, the Receiving Clerk shall check the merchandise delivered against the merchandise ordered. He/she shall note any discrepancies or shortages, note the Purchase Order Number, delivery date and initial the Receiving Report. The original Receiving Report shall then be submitted to the Accounts Payable Clerk. A copy of any Receiving Report showing discrepancies or shortages shall be submitted to the Requesting Party for follow-up and resolution with the Vendor. The Requesting Party will handle all adjustments for incorrect shipments or damaged goods received under their Purchase Orders.
SERVICES PROVIDED TO THE DISTRICT AND MERCHANDISE TO BE PICKED UP BY THE REQUESTING PARTY	Where the Purchase Requisition is for services to be provided to the District or the Requesting Party will pick up the merchandise from the Vendor or otherwise make arrangements for the direct procurement of the merchandise, upon completion of the service or receipt of the merchandise, the Requesting Party shall note any discrepancies or shortages, note Purchase Order Number, the completion or delivery date (as appropriate) and initial the Receiving Report. The original Receiving Report shall then be submitted to the Accounts Payable Clerk. A copy of any Receiving Report showing discrepancies or shortages shall be retained by the Requesting Party for follow-up and resolution with the Vendor.
SUBSCRIPTIONS AND REGISTRATIONS	In the case of services to be provided to the District, purchases of subscriptions, registrations or other similar purchases, the Requesting Party shall then make appropriated notations on the Receiving Report to indicate their instructions and approval for payment for the subscription, registration or other purchase, attaching appropriate documentation of the cost of the subscription, registration or other purchase, note the Purchase Order Number, and shall submit the original of the Receiving Report to the Accounts Payable Clerk.

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT A - PROCUREMENT PROCEDURES**PREPAYMENT FOR
GOODS OR
SERVICES**

On occasion, when it is in the best interests of the District to do so, a Vendor may be selected that requires payment prior to or upon delivery. In this case, prepayment of a purchase may be requested. The Requesting Party shall note the Purchase Order Number on the Receiving Report, date and initial the Receiving Report, noting their request for prepayment along with the date that the check will be required, and shall submit it to the Director of Finance for approval and further processing. It is the responsibility of the Requesting Party to provide a receipt for the prepayment to the Accounts Payable Clerk.

PAYMENT CYCLE

The normal cycle for payment of vendor invoices is that checks for those invoices that have been submitted to the Finance Department before 5:00 PM on Monday will be ready for distribution on Friday after 2:00 PM. However, due to the large volume of documents that flow through the Accounts Payable System, any request for a check to be ready on a specific day must be cleared through the Director of Finance or his designee. This is the only person authorized to commit to a particular payment on a particular day. No other employee can make a commitment to a vendor for payment of invoices; those questions must be referred to the Director of Finance. In cases where discounts are involved when payments are made within certain deadlines, the Requesting Party shall coordinate with the Director of Finance to take advantage of these discounts whenever possible.

In the event that a single payment to be issued to a vendor will exceed \$25,000.00, this payment must be approved by the Board of Commissioners during open session of a Board meeting, prior to its delivery to the vendor. Exceptions to this requirement are:

- payments to attorneys,
- utility payments,
- credit card payments,
- payroll-related expenses, including employee benefits,
- overweight permit transactions,
- inter-fund transfers

**PURCHASING
AUDITOR**

The Purchasing Auditor shall verify that all District requisitions and purchases comply with this policy.

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT B - PURCHASE REQUISITION WORKSHEET**Brownsville Navigation District
Procurement Policies and Procedures
Purchase Requisition Worksheet**

This worksheet must be completed for every purchase of \$3,000.00 or more. This information recorded on this worksheet is to be entered on the "Bid/Quote" tab of the Purchase Requisition.

Date:	Purchase Requisition Number:
Description and Number of Items:	
Vendor:	
Contact Person:	Phone Number:
Quoted Price:	Delivery Charges:
Notes:	

Vendor:	
Contact Person:	Phone Number:
Quoted Price:	Delivery Charges:
Notes:	

Vendor:	
Contact Person:	Phone Number:
Quoted Price:	Delivery Charges:
Notes:	

These quotes were solicited under the terms and provisions of the *Brownsville Navigation District Procurement Policy and Procedures*.

Signature of Person Obtaining Quotes

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT C - VENDOR REGISTRATION FORM**Brownsville Navigation District
Procurement Policies and Procedures
Vendor Registration Form**

Please complete this form to give the District your contact information for use during an RFP process or to open or update a vendor account.

Date:	Name of Person Providing Information:
If you are currently participating in an RFP process for the District, please indicate the RFP title:	
If you are interested in receiving a notice when an RFP is available, please indicate your areas of interest:	
_____ Construction Contracts	_____ Security Services
_____ Property/Liability Insurance	_____ Bank Depository
_____ Group Insurance	Other: _____
_____ Salvage Offerings	
_____ Uniform Service	

Vendor Name:	Web Site:
Contact Person:	Fax Number:
Phone Number:	E-Mail Address:
Mailing Address:	Physical Address:

Form of Business (Individual/Sole Proprietor/Partnership/ Taxpayer Identification Number: Corporation/Other)	
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Please return this form by fax to (956) 831-5106 or by email to vendor@portofbrownsville.com

Signature of Person Providing Information

This vendor is not a Listed Company as per Section 2252 of the Texas Government Code	_____ Signature of Purchasing Auditor

**Brownsville Navigation District
Procurement Policies and Procedures
Sole Source Statement**

This complete form must be attached electronically to the Purchase Requisition.

The item(s) on the attached Purchase Requisition are being purchased without the solicitation of competitive pricing as required by the Procurement Policies and Procedure of the Brownsville Navigation District. The item(s) can be obtained from only one source, and therefore qualify as an Exemption under Section 60.412, Subchapter N, Chapter 60, Texas Water Code and Policy C207(Local) of the Brownsville Navigation District.

This purchase qualifies as a Section 60.412 Exemption for the following reason:

- ☐ It is an item for which competition is precluded because of the existence of patents, copyrights, secret processes, or natural monopolies.
- ☐ It is for films, manuscripts or books.
- ☐ It is for public utilities services.
- ☐ It is for captive replacement parts or components for equipment.

Signed: _____

Date: _____

Print Name: _____

Approved: _____

Date: _____

Print Name: _____

PROCUREMENT POLICIES AND PROCEDURES
EXEMPTIONS

EXEMPTIONS

Those contracts or purchase orders for the purchase of items exempted from competitive bidding requirements and proposal procedures by Section 60.412, Subchapter N, Chapter 60, of the Water Code shall similarly be exempted from the competitive bidding requirements of this policy if the purchase is made for the following reasons:

- A. An item that must be purchased in a case of a public calamity if it is necessary to make the purchase promptly to relieve the necessity of the public or to preserve the property of the District;
- B. An item necessary to preserve or protect the public health or the safety of the residents of the District;
- C. An item made necessary by unforeseen damage to the property of the District;
- D. Personal or professional services;
- E. Any work performed and paid for by the day as the work progresses;
- F. Any land or right-of-way;
- G. An item that can be obtained only from one source, including:
 1. Items for which competition is precluded because of the existence of patents, copyrights, secret processes, or natural monopolies;
 2. Films, manuscripts or books;
 3. Public utilities services; and
 4. Captive replacement parts or components for equipment;
- H. Any item necessary to secure the District during a period of heightened security as determined by:
 1. The federal Department of Homeland Security, including the Transportation Security Administration;
 2. The United States Coast Guard
 3. The United States Bureau of Customs and Border Protection;
 4. The Federal Bureau of Investigation;
 5. The federal Department of Transportation; including the Maritime Administration; or
 6. Another federal, state, or local agency; or
- I. An item from the United States, including any agency thereof, or from this state, including an agency of this state.

**SOLE SOURCE
STATEMENT**

If an item that is classified as exempt under item G above is purchased, the requester shall sign a statement as to the existence of only one source for the purchase and the District shall enter the statement into the records of that purchase.

**PROFESSIONAL AND
CONSULTING
SERVICES**

The District shall comply with Chapter 2254, Government Code, in procuring professional and consulting services.

PROCUREMENT POLICIES AND PROCEDURES
VENDOR PROTEST PROCEDURE

**VENDOR RIGHTS OF
PROTEST**

The purpose of this Vendor Protest Procedure is to provide step-by-step instructions for a formal protest during solicitation, evaluation, or award of a contract by the Brownsville Navigation District.

Any protesting party - actual or prospective bidder, offeror, or contractor, who believes it has been aggrieved in connection with the solicitation, evaluation, or award of a contract - may formally protest to the Brownsville Navigation District's Director of Finance. Formal protests must conform to the requirements of these Vendor Protest Procedures and shall be resolved in accordance with the procedure set out below. Copies of the protest must be mailed or delivered by the protesting party to the District's Director of Finance and all respondents who have submitted bids, proposals or offers for the contract involved. Names and addresses of such respondents may be obtained by sending a written request for the information to the Director of Finance of the District.

**PROTEST
CIRCUMSTANCES**

A protesting party may protest a contract under the following circumstances:

- The solicitation, evaluation, or award was made under a publicly-advertised solicitation process, and the protesting party submitted a bid or proposal that was not selected; or
- The solicitation, evaluation or award was for a sole source contract or emergency procurements of a contract, and the protesting party was therefore unable to submit a bid or proposal.

The only types of issues that will be considered an appropriate basis for a protest are:

- An alleged violation of state or federal laws;
- An alleged violation of District policies or procedures; or
- An alleged failure of the District to follow the terms or processes set out in the applicable Solicitation.

This Vendor Protest Procedure does not apply to contracts for:

- The award of grants;
- Activities permitted with respect to the Promotion and Development Fund under Subchapter H, Chapter 60, Texas Water Code;
- Subcontracts supporting the performance of a contract;
- Items procured pursuant to the Interagency Cooperation Act, Chapter 771, Texas Government Code or Interlocal Cooperation Act, Chapter 791, Texas Government Code; or
- Items procured under processes administered by the Texas Comptroller's Office, the Department of Information Resources, or other Texas state agencies.

PROCUREMENT POLICIES AND PROCEDURES
VENDOR PROTEST PROCEDURE

PROTEST FORM

A formal protest must be in writing, sworn, and contain:

- A specific identification of the statutory or regulatory provision(s) that the action complained of is alleged to have violated;
- A specific description of each act alleged to have violated the statutory or regulatory provision(s) identified above;
- A precise statement of the relevant facts;
- An identification of the issue(s) to be resolved;
- Argument and authorities in support of the protest; and
- Proof that copies of the protest have been mailed or delivered to all respondents who have submitted bids, proposals or offers for the contract involved. A certification that copies were supplied to all interested parties with a list of the addresses the protest was sent to will be accepted as proof of delivery of copies.

SUBMISSION

Protests regarding the manner in which bids or proposals were solicited must be filed no less than five business days before the opening of the bid or proposal.

Protests regarding the evaluation of bids, qualifications or proposals must be filed no later than five business days prior to the Board of Commissioners meeting at which the award appears on the agenda.

Protests made after the Board's decision to award a contract must be received no later than five calendar days after the date of award.

A protest that is not filed timely will not be considered.

**CONSIDERATION OF
THE PROTEST**

In the event of a timely protest, which is received prior to an award having been made, the District will not proceed further with the solicitation or award of the contract unless the Port Director and CEO, after consultation with the Deputy Port Director and/or the Director of Finance, makes a written determination that the award of contract without delay is necessary to protect substantial interests of the District.

The Director of Finance has the authority, prior to appeal to the District Port Director and CEO, or his or her designee, to settle and resolve the protest concerning the solicitation or award of a contract.

The Director of Finance may solicit written responses to the protest from respondents who have submitted bids, proposals or offers for the contract involved and from other interested parties. Upon written request, the protesting party shall be given notice of the request and any written responses received.

The Director of Finance may consult with legal counsel concerning the protest and shall refer all questions regarding legal issues to legal counsel.

PROCUREMENT POLICIES AND PROCEDURES
VENDOR PROTEST PROCEDURE

DETERMINATION BY DIRECTOR OF FINANCE	<p>If the protest is not resolved by mutual agreement, the Director of Finance will issue a written determination on the protest.</p> <ul style="list-style-type: none">• If the Director of Finance determines no violation of rules, policies, terms of solicitation, or statutes occurred, he or she will inform the protesting party and each respondent who submitted a bid, proposal or offer for the contract involved by letter. The letter will set forth the reasons for the determination.• In instances in which the contract has not been awarded, if the Director of Finance determines that a violation of the rules, policies, terms of solicitation, or statutes has occurred, he or she will inform the protesting party and each respondent who submitted a bid, proposal or offer for the contract involved by letter. The letter will set forth the reasons for the determination and the appropriate remedial action.• In instances in which the contract has been awarded, if the Director of Finance determines that a violation of the rules, policies, terms of solicitation, or statutes has occurred, he or she will inform the protesting party and each respondent who submitted a bid, proposal or offer for the contract by letter. The letter will set forth the reasons for the determination and may conclude that the contract awarded is void, may set aside the award, may order advertising with a revised solicitation, or may recommend that the District Board of Commissioners do the same or take other remedial action.
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APPEAL TO PORT DIRECTOR AND CEO	<p>The determination of the District's Director of Finance on a protest may be appealed by the protesting party to the Port Director and CEO, or his or her designee.</p> <ul style="list-style-type: none">• An appeal of the determination of the Director of Finance must be written and must be received by the Port Director and CEO, or his or her designee, no later than 10 working days after the date of the determination.• The appeal shall be limited to review of the determination.• A copy of the appeal must be mailed or delivered by the appealing party to the Port Director and CEO, or his or her designee, and each respondent who submitted a bid, proposal or offer for the contract and the appeal must contain a certified statement that such copies have been provided.• Failure of the protesting party to appeal the determination of the District's Director of Finance within 10 working days after the date of the determination renders the determination of the Director of Finance the final administrative action of the District.
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The Port Director and CEO, or his or her designee, may consult with legal counsel concerning the protest and shall refer all questions regarding legal issues to legal counsel.

PROCUREMENT POLICIES AND PROCEDURES
VENDOR PROTEST PROCEDURE

**REVIEW BY THE
PORT DIRECTOR
AND CEO**

The Port Director and CEO, or his or her designee, shall review the protest petition, any requests filed, written responses made to the protest petition from any respondent who submitted a bid, proposal or offer for the contract or other interested parties, the determination of the Director of Finance and the appeal. After review, the Port Director and CEO shall issue a written decision on the appealed protest.

In the event that the protesting party wishes to appeal the Port Director and CEO's written decision to the Board of Commissioners, that party shall have 5 working days from the date of the Port Director and CEO's written decision to file a written appeal with the Port Director and CEO, or his or her designee. Failure to appeal the determination of the Port Director and CEO within 5 working days after the date of the Port Director and CEO's written decision renders the Port Director and CEO's written decision final.

**APPEAL TO THE
BOARD OF
COMMISSIONERS**

When a protesting party appeals the written decision of the Port Director and CEO, or his or her designee, to the Board of Commissioners, the following provisions apply:

- Copies of the documents required to be submitted to document the appeal of the determination shall be forwarded to the Board of Commissioners.
- All interested parties who wish to make an oral presentation at the open meeting at which the Board of Commissioners is scheduled to consider the protest shall notify the District's Director of Finance at least 48 hours in advance of the open meeting.
- The Board of Commissioners may consider oral presentations and written documents presented by staff and interested parties, including the protesting party and any respondent who submitted a bid, proposal or offer for the contract. The Chairman of the Board of Commissioners shall set the order and length of time allowed for presentations.
- The Board of Commissioners' determination of the appeal shall be by duly adopted resolution reflected in the minutes of the open meeting, and shall be final.

**FINAL
ADMINISTRATIVE
ACTION**

A decision issued by the Board of Commissioners in an open meeting, or in writing by the Port Director and CEO, or his or her designee, or in writing by the Director of Finance that is not appealed in a timely manner, shall be the final administrative action of the District.

DISCLOSURE

The Director of Finance will disclose information regarding the protest and any appeal to the awarding agency.

DOCUMENTATION

The Director of Finance will maintain all documentation of the purchasing process that is the subject of a protest or appeal in accordance with the retention schedule of the District.

PROCUREMENT POLICIES AND PROCEDURES
VENDOR PROTEST PROCEDURE

FEDERAL REVIEW A protester must exhaust all administrative remedies with the District before pursuing a protest with the Federal agency. Federal agency review of protests will be limited to violations of Federal law or regulations and the standards of this Procurement Policy and violation of the District's protest procedures for failure to review a complaint or protests. Protests received by the Federal agency other than those specified above will be referred to the District.

**TEXAS WATER
CODE - CHAPTER 60,
SUBCHAPTER N -
APPLICATION OF
SUBCHAPTER**

The Brownsville Navigation District has adopted by Resolution (a copy of which is attached as Exhibit A to this Policy) the Provisions of Subchapter N of Chapter 60 of the Texas Water Code. These provisions, as they exist as of the date of the purchase, apply to purchases made by the Brownsville Navigation District.

Exhibit A: Resolution of the Board of Commissioners adopting Subchapter N, Chapter 60 of the Texas Water Code – 1 page

PROCUREMENT POLICIES AND PROCEDURES
EXHIBIT A - RESOLUTION

**Brownsville Navigation District
Procurement Policies and Procedures
Resolution**

WHEREAS, the members of this Board wish to adopt a policy to be followed for the procurement of various goods and services needed to operate, maintain, and improve the Port; and

WHEREAS, the members of this Board wish to incorporate the provisions of the law of the State of Texas into such policy;

NOW THEREFORE:

BE IT RESOLVED BY THE BOARD OF NAVIGATION AND CANAL COMMISSIONERS OF THE BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS, THAT:

The provisions of Subchapter N, Chapter 60 of the Water Code be adopted.

* * * * *

I, Donald L. Foust, Secretary of the Board of Navigation and Canal Commissioners of the BROWNSVILLE NAVIGATION DISTRICT OF CAMERON COUNTY, TEXAS, do certify that the attached and foregoing is a true and correct copy of a Resolution adopted by said Board at a special meeting held on the 21st day of December, 1987, at 8:10 O'clock A.M., and that the same has not been altered, amended or rescinded.

TO CERTIFY WHICH WITNESS MY HAND AND THE SEAL of said District on this, the 21st day of December, A.D., 1987.

PROCUREMENT POLICIES AND PROCEDURES
GOVERNMENT CODE – CHAPTER 2254

**CHAPTER 2254,
TEXAS
GOVERNMENT
CODE –
APPLICABILITY OF
CHAPTER**

The District shall comply with the provisions of Chapter 2254, Texas Government Code. These provisions, as they exist as of the date of the purchase, apply to the procurement of professional and consulting services by the Brownsville Navigation District.

PROCUREMENT POLICIES AND PROCEDURES
TEXAS WATER CODE – CHAPTER 60, SUBCHAPTER O

**TEXAS WATER
CODE - CHAPTER 60,
SUBCHAPTER O -
APPLICATION OF
SUBCHAPTER**

Nothing in this policy shall be interpreted as adopting Subchapter O (Purchase Contracts), Chapter 60 of the Texas Water Code. However, nothing in this policy shall be interpreted as to prevent the adoption of Subchapter O (Purchase Contracts) by the Board of Commissioners in regard to a particular project.