

N. FEDERAL PROCUREMENT

The Greater Lafourche Port Commission (“Port”) adopts the Office of Management and Budget (“OMB”) Guidance in 2 CFR 200, except for 200 CFR 200.102(a) and 2 CFR 200.207(a) specifically including, but not limited to, 2 CFR 200.303(e) Personally Identifiable Information, 2 CFR 200.306 Cost Sharing/Match, 2 CFR 200.308 Revision of Budget or Program Plans, 2 CFR 200.313 Equipment, 2 CFR 200.318 Procurement Standards, 2 CFR 200.334 Records Retention and 2 CFR 200.344 Closeout.

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION (2 CFR 200.303(e))

The Port shall take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the non-Federal entity considers sensitive consistent with applicable Federal, State, local, and tribal laws regarding privacy and responsibility over confidentiality. Any requests for public access to said information shall be reviewed by the Port’s General Counsel or other designated attorney and applicable objections to disclosure shall be raised and asserted to the full extent of the law.

COST-SHARING/MATCH (2 CFR 200.306)

The Port shall follow the provisions of 2 CFR 200.306 when establishing and documenting the value of matching funds and in-kind contributions including, but not limited to, third-party contributions of services and property, third-party volunteer services, third-party employees’ services, donated property and/or equipment.

BUDGET AND PROGRAM PLAN (2 CFR 200.308)

The Port shall comply with the provisions of 2 CFR 200.308 by reporting deviations from the budget or program plan and requesting prior approval from the appropriate federal awarding agency for revisions to same.

PERIOD OF PERFORMANCE (2 CFR 200.309)

The Port will comply with the provisions of 2 CFR 200.309 pertaining to extensions or amendments to the period of performance. The Port shall only incur allowable costs during the period of performance unless otherwise authorized by the awarding agency.

EQUIPMENT (2 CFR 200.313)

With respect to any equipment purchased with federal funding,

1. The Port shall limit use of the equipment to the program subject to the federal award or other activity supported by the federal awarding agency and that it is not encumbered without prior approval of the federal awarding agency unless such is not required under

the federal program under which the purchase was funded.

2. The Port shall maintain any bill of sale, certificate of title or other property records evidencing ownership of the equipment which shall include a description of the property, source of funding, GLPC Asset Number or other serial number, acquisition date, etc.
3. The Port shall take a physical inventory of all such equipment or property no less frequently than every two years and shall document the results of same for reconciliation with property records.
4. The Port shall maintain a control system to prevent loss, damage or theft to/of the property or equipment.
5. The Port shall maintain all equipment and property in good condition.
6. If required or permissible, any sale of equipment or property shall be conducted pursuant to state and federal law.
7. Prior to disposition, the Port shall request and follow disposition instructions from the federal awarding agency.
8. If necessary, the Port shall submit the applicable common form of equipment.

PROCUREMENT STANDARDS (2 CFR 200.317, et seq.)

With respect to Federally funded contracts, the Port shall take the following measures:

1. Port shall follow all provisions related to the procurement of goods and services covered by 2 CFR 200.317 through 2 CFR 200.327.
2. Pursuant to 2 CFR 200.322, as appropriate and to the extent consistent with law, the Port will, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The Port shall require that this provision be implemented in all subawards including all contracts and purchase orders for work or products under a Federal award.
3. Pursuant to 2 CFR 200.327, all Port contracts subject to a Federal award shall contain the applicable provisions described in Appendix II to 2 CFR 200 including, but not limited to:
 - a. Administrative, contractual or legal remedies for breach of contracts over the Simplified Acquisition Threshold
 - b. Termination for cause and convenience in contracts over \$10,000
 - c. Equal Employment Opportunity
 - d. Davis-Bacon Act

- e. Contract Work Hours and Safety Standards Act
 - f. Rights to Inventions Made Under a Contract or Agreement
 - g. Clean Air Act
 - h. Debarment and Suspension
 - i. Byrd Anti-Lobbying Amendment
 - j. Procurement of Recovered Materials
4. Port shall comply with all applicable cost principles set forth in 2 CFR 200.400 through 2 CFR 200.476.
 5. Legal title to any equipment purchased by the Port with federal funds will vest in the Greater Lafourche Port Commission subject to the terms and conditions of 2 CFR 200.313 regarding use, management and disposition of said equipment.
 6. Pursuant to 2 CFR 200.344, when the Port determines that all applicable administrative actions and all required work of the Federal award have been completed, it shall file any reports and take any other actions required to properly and timely closeout the project.
 7. The Port shall maintain oversight of all procurements and contracts for services and public works to ensure contractors perform in accordance with the terms, conditions and specifications of same. This oversight will be performed by administrative staff and, when circumstances dictate, third party design and inspection professionals.
 8. The Port shall ensure that its employees comply with provisions of the Louisiana Governmental Code of Ethics, including the requirement that employees and elected officials remain current on annual training and refrain from taking any actions with respect to selection, award and administration of contracts where conflicts of interest may be present.
 - a. No employee, officer or agent (including grant writers and grant managers) shall participate in the selection, award and administration of contracts if he or she has a real or apparent conflict of interest.
 - b. No employee, officer or agent (including grant writers and grant managers) shall solicit or accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts except as allowed under the Louisiana Governmental Code of Ethics.
 9. In order to avoid acquisition of unnecessary or duplicative items in federal procurements, prior to any solicitation, Port administration shall conduct a review of existing inventory to ensure that none of the items set for procurement are already owned and not in use by the Port. When feasible, the Port shall repurpose items not otherwise in use in order to fit

the needs of the project for which new items are being sought.

10. Contracts shall only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement considering factors such as contractor integrity, compliance with public policy, record of past performance, financial and technical resources and that the contractor is not suspended or debarred under 2 CFR 200.213.
11. The Port shall maintain records sufficient to detail the history of procurement including, but not limited to rationale for the method of procurement, selection of contract type, contract selection or rejection, and the basis for the contract price.
12. The Port shall make every effort to amicably resolve any contractor/procurement disputes by Port administration engaging in meaningful dispute resolution conversation with the aggrieved contractor and, regardless of whether said conversation is successful, affording the contractor an opportunity to be heard before the Port Board of Commissioners. If deemed by Port counsel to be in the best interests of the public, the Port shall also partake in mediation and/or arbitration in order to settle disputes.
13. The Port shall incorporate the attached “Exhibit A – Federal Contract Clauses” in all contracts procured with federal funds. This exhibit will be updated from occasionally to remain current with federal procurement laws and guidance.

SMALL BUSINESSES, MINORITY OWNED FIRMS AND WOMEN BUSINESS ENTERPRISES

With respect to Federally funded contracts, the Greater Lafourche Port Commission (“Port”) shall take the following steps regarding all Requests for Proposals (RFP) and Requests for Qualifications (RFQ):

1. To assure that Labor Surplus Area firms, small and minority owned firms and women business enterprises are solicited as potential sources for contract opportunities issued by the Port, all RFPs and RFQs will be sent to the following organizations:
 - a. South Louisiana Economic Council (SLEC)
 - b. Louisiana Economic Development
 - c. Small Business Administration
 - d. Women’s Business Enterprise Council South
 - e. New Orleans Regional Black Chamber of Commerce – NORBCC, Inc.
2. Whenever possible, divide total contract requirements when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority

businesses, and women's business enterprises.

3. Establish delivery schedules, where the requirements permit, which encourage participation by small and minority businesses and women's business enterprises; and
4. Encourage the prime contractor to solicit as subcontractors, small and minority owned firms and women business enterprises by taking the same steps above.

SUSPENSION AND DEBARMENT

Prior to performing any purchase of goods or services, either directly funded or reimbursed by the Federal government, the Port shall verify that the vendor(s) are not suspended, debarred or otherwise excluded by the Federal government and that said vendor(s) hold any required active licenses to provide the good or service solicited. This is done by checking the Excluded Parties List System (SAM.gov) and Louisiana Licensing Board's Contractor search prior to contract execution. Once the search is complete, a printout of the results will be maintained in the project file as supporting documentation.

CLOSEOUT (2 CFR 200.344)

The Port shall submit all financial, performance and other required reports to FEMA within one hundred twenty (120) calendar days after the end of the period of performance.