

Procurement Policy has been reduced from a 65-page document, with attachments, down to a clean five-page policy document.

The second proposed change is to increase the levels for micro-purchases and informal RFPs to:

Proposed TRPA	CA (Fi\$Cal)	NV	OMB	Type of Procurement
\$10,000	\$5,000	\$5,000	\$35,000	Micro Purchase. No quotes required
\$50,000	\$25,000	\$25,000	\$800,000	Small Purchase, multiple quotes required
> \$50,000	> \$25,000	>\$25,000	>\$800,000	Formal procurement (RFP)

Micro purchases would routinely be made using Agency credit cards. Some of the small purchases may also be handled by credit card, if appropriate, but generally would utilize a Purchase Order or, depending on complexity, a Contract. Everything requiring a formal RFP would use a PO or Contract. Purchase orders are used when the item or service being acquired is straightforward, easy to determine if it meets the purchasing criteria (e.g., a physical deliverable or obvious service) and does not have any major non-financial liability issues. Contracts are used for complex purchases where “delivery” requires professional judgement or there are significant liability issues.

The third change is an update to the list of situations where contracting by negotiation, instead of a RFP process, is warranted. This list was developed over time by real-world situations. Most of the exceptions have carried over from the prior policy. The three new or significantly changed provisions are:

- a. *When the Agency has made a joint proposal for funding with partner entities and the distribution of work between the partners was set out in the proposal.* We are increasing collaboration with other entities in the basin and pursuing joint funding requests. This new provision recognizes that and permits us to proceed with the existing team that prepared the proposal.
- b. *When the Agency has established an ongoing strategic partnership with another Governmental Entity to handle specific areas of work that the Agency itself does not perform. The Governing Board will review and approve all such arrangements at least once every five years.* We anticipate using more of these types of arrangements with partner entities going forward. One example of this is our AIS Prevention Program agreement with the Tahoe Resource Conservation District (TRCD). We made a strategic assessment at the beginning of the program to work with the TRCD on inspection and decontamination stations. Instead of executing a formal RFP process every five years, we propose a regular review of the strategic relationship on the same schedule or, as conditions warrant, more frequently.
- c. *When supplies or service can only be obtained from one person, firm, or Agency. This includes technical services in connection with the assembly, installation, or servicing of equipment or software of a highly technical or specialized nature. This explicitly includes websites and online services.* This provision has been modified to combine three individual ones in the original Policy. It is also intended to cover situations like contracts we have with boat ramps on the AIS prevention program. Since all boat ramps must

participate for the program to work, there is no point in a competitive procurement process.

Issues and Concerns:

One major issue is that neither California nor Nevada have updated their policies based on the new OMB guidelines. We would be adopting procurement levels that are higher than either state.

Contact Information:

For questions regarding this agenda item, please contact Chris Keillor, CFO at (775) 589-5222 or ckeillor@trpa.gov. To submit a written public comment, email publiccomment@trpa.gov with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

- A. Proposed TRPA Procurement Policy
- B. Crosswalk between existing policy (2008) and revised

Attachment A

Proposed TRPA Procurement Policy

Attachment B

Crosswalk between existing policy (2008) and revised