



## **PROCUREMENT POLICY FOR CHAPTER 68 BOND FINANCED SALE-LEASEBACK PROJECTS**

Port KC periodically issues its bonds for the purposes of sponsoring and financing port improvement projects consisting of improvements to property owned by Port KC and leased to a developer (“Developer”), with such improvements being performed by contractors under contracts awarded by Developer. The procedures established herein shall be applicable to the entirety of any bond-financed project. Failure to comply may result in Port KC’s electing to require that Developer redo its procurement and/or delay issuance of the bonds, in Port KC’s sole discretion.

### **A. General Rules**

In the event that (a) Developer shall have preselected its general contractor or (b) the general contractor holds an ownership interest in Developer and will simultaneously serve as the general contractor with respect to a particular port improvement project, then these Procurement Procedures shall be applied solely with respect to first-tier subcontractor procurements only. All subsequent tiers shall thereafter be contracted in such manner as the general contractor and/or applicable first-tier subcontractor shall elect to utilize pursuant to their agreement.

In the event that Developer has not preselected its general contractor with respect to a particular port improvement project, then these Procurement Procedures shall be applied solely with respect to the general contractor procurement only. All subcontracts, of every tier, shall thereafter be awarded in such manner as Developer and/or the general contractor shall elect to utilize pursuant to their agreement.

### **B. Preparation of Procurement Documents**

Developer or its general contractor, as applicable, shall prepare, or cause to be prepared, all procurement documents using such templates as is standard practice in the applicable industry.

### **C. Procurement Procedures**

The following procedures shall be strictly adhered to by Developer or its general contractor, as applicable:

1. Provide to Port KC a full and complete electronic copy of the request for bids or proposals at least five (5) business days prior to release. In the event the bid or proposal materials will be made available via an online platform, a link to the same shall be provided to Port KC, in lieu of the electronic copy, at least five (5) business days prior to release.

2. Provide to Port KC the location where the request for bids or proposals materials can be accessed by potential bidders or proposers and the name and email address of a contact person with respect to matters of procurement at least five (5) business days prior to release.
3. Cause notice of the request for bids or proposals, and the location in which the request for bids or proposals materials can be accessed, to be advertised in the following publications (unless otherwise approved by Port KC in writing), and provide written confirmation of such publications to Port KC (multiple runs is preferable, but a minimum of one (1) in each publication is required):

The Daily Record – Kansas City  
Kansas City The Call  
Dos Mundos

Publication in additional sources is always permissible and encouraged. Substitution of any publication listed herein is only permissible for good cause as reasonably determined by Port KC in writing.

4. Provide to Port KC the date that the bids or proposals will be opened, which date shall be not less than twenty (20) calendar days from the date the request for bids or proposals was first released or advertised, whichever was last to occur.
5. Provide within the request for bids or proposals such information as is necessary for potential bidders or proposers to structure a responsive bid or proposal, including, at a minimum:
  - the project timeline
  - applicable due dates
  - scope of work
  - bid or proposal specifications
  - minimum required qualifications.

#### **D. Public Notification**

Port KC will send an email notification to the entities listed on Port KC's Registered Contractors List when a request for bids or proposals has been released or posted and will publicly post notice of the same on its website and any other social media it may elect to utilize for such purposes.

#### **E. Procurement Communications**

Prior to the bid or proposal opening, Developer or its general contractor, as applicable, shall not discuss the procurement with any potential bidder or proposer except in the manner authorized herein. Developer or its general contractor, as applicable, shall attend any applicable pre-bid or pre-proposal meetings and shall be prepared to respond to inquiries from potential bidders and proposers at such time. All subsequent communications, answers to questions, addendums, or clarifying statements shall be prepared by Developer or its general contractor, as applicable, and simultaneously made available to all potential bidders and proposers.

Neither Developer or its general contractor shall schedule any pre-bid or pre-proposal meeting for a date that is earlier than five (5) calendar days from the date the requests for

bids or proposals was first released or advertised, whichever shall last occur.

#### **F. Award of Contracts**

Developer or its general contractor, as applicable, shall be solely responsible for the award, negotiation and execution of any contract pursuant to these Procurement Procedures, and shall have the right to reject any bid or proposal that does not comply with the procurement documents or is otherwise determined to be non-responsive. Any contract shall be awarded to the lowest responsible bidder or best proposer as determined by the Developer or its general contractor, as applicable. In the event the selected bid or proposal is not the lowest in price, the Developer or its general contractor, as applicable, shall document, in writing, the rationale for its decision. Developer shall maintain, or require its general contractor to maintain, all procurement records for the duration of any bond-financed project and shall make or cause such records to be made available for inspection by Port KC upon request.

Any contracts awarded pursuant to these Procurement Procedures shall be between Developer or its general contractor, as applicable, and the selected bidders and/or proposers. Port KC shall not be a party to any contract between Developer and its general contractor, or any contract with any subcontractor of any tier.

#### **G. General Contractor Adherence to Procedures**

Developer shall cause its general contractor to comply with these Procurement Procedures, if applicable.

#### **H. Revocation/Revision of Procurement Procedures**

As Chapter 68 Bond Financed Sale-Leaseback Projects are funded with public revenues, it is imperative to Port KC that all procurements be conducted with the highest regard for fairness and transparency. Port KC reserves the right to revoke or revise these Procurement Procedures at any point, and to require that all procurements be hosted by Port KC utilizing such procedures as it may reasonably elect to implement in the event Port KC determines Developer or its general contractor, as applicable, are not strictly adhering to the terms hereof.