



<i>Board Approval</i> <i>12/10/03</i> <i><u>/s/ N. Craig Martin</u></i> <i>Chairman</i>	<i>No.: B. 2.0</i> <i>Subject: LCIDA PROCUREMENT</i> <i>POLICY</i>
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RESOLUTION NO. 12100300

WHEREAS, General Municipal Law Section 103 involving contracts for public work and purchase contracts, has been amended pursuant to Chapter 413 of the Laws of 1991, and

WHEREAS, Section 103 of the General Municipal Law now provides that all contracts for public work involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00) and all purchase contracts involving an expenditure of more than Ten Thousand Dollars (\$10,000.00) shall be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids, and

WHEREAS, Section 104-b of the General Municipal Law, as added by Chapter 413 of the Laws of 1991, provides that contracts for public work and all purchase contracts that are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interests of the taxpayers of the municipality, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption, and

WHEREAS, the procurement policies of the General Municipal Law have now been extended to the Industrial Development Agency, and the County of Lewis Industrial Development Agency desires by this Resolution to adopt necessary policies and procedures to comply with the General Municipal Law Rules regarding procurements of goods and services which are not required to be made pursuant to competitive bidding, and

WHEREAS, the Board has considered comments from all persons involved with procurement awarding of public works contracts, with the county of Lewis Industrial Development Agency

NOW THEREFORE, in accordance with the foregoing, the County of Lewis Industrial Development Agency does hereby RESOLVE, as follows:

1. **PURPOSE.** The purpose of this Resolution is to set forth internal policies and procedures governing procurements of goods and services which are not required to

be made pursuant to competitive bidding under the appropriate provisions of the General Municipal Law.

2. **DETERMINATION OF NEED FOR BIDDING.** Prior to the determination to purchase goods or services, and prior to the determination to engage in a public works contract, an evaluation shall be made to determine the applicability of General Municipal Law Section 103, and a determination shall be made whether public bidding is required. The Executive Director or Administrative Assistant shall document information obtained and conclusions reached in connection with the evaluation and shall maintain it in written form in connection with the purchase activity or the public works project.

3. **BIDDING.** Pursuant to General Municipal Law Section 103, all contracts for public works involving an expenditure of more than Twenty Thousand Dollars (\$20,000.00), and all purchase contracts involving an expenditure of more than Ten Thousand Dollars (\$10,000.00) shall be awarded by the County of Lewis Industrial Development Agency to the lowest responsible bidder furnishing the required security after advertisement for sealed bids, and such advertisement shall occur at least five (5) days prior to the date specified for opening and reading of bids. This public bidding requirement is subject to such exceptions as are permitted by the General Municipal Law and such other laws as may be specifically applicable to the public works contract or purchase in question.

4. **ALTERNATIVE PROPOSALS AND QUOTES-PURCHASE CONTRACTS.** Purchases of goods and services estimated to cost less than Ten Thousand Dollars (\$10,000.00) but more than Seven Thousand Five Hundred Dollars (\$7,500.00) shall require a written order, describing the goods or services to be purchased, the quantity of same, and the particulars of delivery, and written quotes shall be obtained from three vendors prior to the purchase. Purchases of goods or services estimated to cost less than Seven Thousand Five Hundred Dollars (\$7,500.00) but more than Two Thousand Five Hundred Dollars (\$2,500.00) may be requested verbally, accompanied by a description of the desired goods or services, the quantity and particulars of delivery, and verbal quotes from two vendors shall be obtained. A list of vendors from whom written or verbal quotes have been obtained, and the written or verbal quotes offered shall be maintained in written form, and filed with the documentation supporting the purchases of the goods or services in question. No written or verbal quotes shall be required for the purchase of goods or services estimated to cost less than Two Thousand Five Hundred Dollars (\$2,500.00).

5. **ALTERNATIVE PROPOSALS AND QUOTES-PUBLIC WORKS CONTRACTS.** Expenditures pursuant to public works contracts estimated to cost less than Twenty Thousand Dollars (\$20,000.00) but more than Fifteen Thousand Dollars (\$15,000.00) shall require a written order, describing the public works to be performed and the particulars of same, and written quotes shall be obtained from three contractors prior to the execution of the contract. Expenditures pursuant to public works contracts estimated to cost less than Fifteen Thousand Dollars (\$15,000.00) but more than Five

Thousand Dollars (\$5,000.00) may be requested verbally, accompanied by a description of the desired public works to be performed and verbal quotes from two contractors shall be obtained prior to execution of the contract. A list of contractors from whom written or verbal quotes have been obtained, and the written or verbal quotes offered shall be maintained in written form, and filed with the documentation supporting the public works contracts in question. No written or verbal quotes shall be required for expenditure pursuant to public works contracts estimated to cost less than Five Thousand Dollars (\$5,000.00).

6. **EXCEPTIONS.** The lowest responsible written or verbal bidder shall be awarded the public works contract or purchase contract, unless the County of Lewis Industrial Development Agency prepares a written justification providing reasons why it is in the best interests of the Agency to make an award to other than the lowest bidder. If a bidder is not deemed responsible, facts supporting that judgment shall be documented and filed with the records supporting the procurement.

7. **GOOD FAITH EFFORT.** A good faith effort shall be made to obtain the required number of proposals or quotations. If the Town officer is unable to obtain the required number of proposals or quotations, the officer shall document the attempt made at obtaining the proposals in written form. If the required number of proposals or quotations cannot be obtained, the Executive Director of the County of Lewis Industrial Development Agency or the Administrative Assistant shall document the attempt made at obtaining the proposals in written form. The inability to obtain the proposals or quotes shall in no event be a bar to the procurement.

8. **EXEMPTION.** No solicitation of written proposals or quotations shall be required in those circumstances exempt under General Municipal Law Section 104-b (2) (f), which situations may be summarized as follows:

- A. Emergency situations, provided documentation of same is set forth;
- B. Goods purchased from correctional facilities, another governmental agency, or from agencies for the blind or severely handicapped;
- C. Acquisition of professional services;
- D. Acquisition of goods or entering into a public works contract where there is only one source of such item or one contractor available to perform the public works contract;
- E. Goods purchased at auction;

- F. Goods or services costing less than Two Thousand Five Hundred Dollars (\$2,500.00) and public works contracts costing less than Five Thousand Dollars (\$5,000.00).

9. **ANNUAL REVIEW.** This procurement policy and the procedures herein adopted shall be reviewed annually by the County of Lewis Industrial Development Agency, and comments concerning the policies and procedures shall be solicited from the Executive Director and the Administrative Assistant who are involved in the procurement process.