

FRANKLIN COUNTY LOCAL DEVELOPMENT CORPORATION

PROCUREMENT POLICY

Adopted by Resolution on August 11, 2010

I. Introduction

- A. This Procurement Policy (the “*Procurement Policy*”) of the Franklin County Local Development Corporation (the “*Corporation*”) is adopted pursuant to the Not-For-Profit Corporation Law and the Public Authorities Accountability Act of 2005 and shall be reviewed and approved annually by the Corporation and the Board of Directors (the “*Board*”).
- B. This Procurement Policy shall apply to the goods and services which are not required to be made pursuant to the competitive bidding requirements of GML §103 or any other general, special or local law. This Procurement Policy shall not apply to projects undertaken by agents of the Corporation where the Corporation has held proceedings to provide financial assistance for such project. Nor shall this Procurement Policy apply to alter any Corporation contractual obligations regarding such projects.
- C. The purpose of this Procurement Policy is to (i) assure the prudent and economical use of public moneys in the best interests of the taxpayers; (ii) facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and (iii) guard against favoritism, improvidence, extravagance, fraud and corruption.

II. Operative Policy

- A. Items purchased in conjunction with Franklin County purchasing procedures, including New York State contract pricing, shall meet Corporation requirements.
- B. The Corporation shall adhere to the following methods of competition for non-bid procurements:
 - 1. for purchase contracts in excess of \$10,000, the purchase requires advertised requests for proposals and require Corporation approval.
 - 2. for purchase contracts in excess of \$2,500 but not more than \$10,000, written price quotations shall be obtained from not fewer than three (3) vendors and the purchase made only after all such quotations are evaluated by the Corporation.
 - 3. for purchase contracts in excess of \$500 but not more than \$2,500, oral price quotations shall be obtained from not fewer than three (3) vendors and the purchase made only after all such quotations are evaluated by the Corporation

4. for purchase contracts of less than \$500, no verbal or written quotations are required.
- C. Circumstances under which the Executive Director may, in his or her sole discretion, decide that competitive bidding/solicitation is not required include:
1. When the cost of the supply, equipment or material involved is \$500 or less.
 2. A purchase of professional, creative and/or technical services involving a specialized level of expertise, use of professional judgment and/or a high degree of creativity.
 - a. The individual or company may be chosen based on qualifications to include, but not be limited to, reliability, skill, education and training, experience, demonstrated effectiveness, judgment and integrity. These qualifications are not necessarily found in the individual or company that offers the lowest price.
 - b. Professional creative and/or technical services shall include, but not be limited to, (a) accounting (CPA), (b) architectural / design services, (c) customized software programming services, (d) consultants, (e) engineers, (f) instructors / teachers / training, (g) insurance coverage and/or insurance broker, (h) investment management services, (i) laboratory testing, (j) legal services and (k) medical / dental services.
 - c. Contracts for professional services are made in the best interest of the Corporation, utilizing Requests for Quotations, Requests for Proposals or other competitive processes. The process must include negotiations on a fair and equal basis.
 3. When the purchase is necessitated by a bona fide emergency, which emergency is documented to show the method and extent of competition. In these cases, public interest dictates that purchases are made at the lowest possible costs, seeking competition by informal solicitation of quotes or otherwise to the extent practicable under the circumstances.
 4. When the supply, equipment or material sought to be purchased is available only through a single source.
 5. For procurements for which the Corporation has waived competitive bidding by resolution.
 6. For true leases, but not financing leases.
 7. For the purchase of insurance (requests for proposals or written or verbal quotations can serve as documentation of the process).

8. For marketing services.
- D. The Executive Director shall implement the following procedure for the documentation of all procurements and maintain such documentation in a procurement file:
1. For all procurements, the Executive Director or designee shall set forth in writing the type of procurement made as well as the method of procurement used.
 2. For all procurements for which competitive bidding was not used, the Executive Director or designee shall document the basis for such determination and file such documentation with the purchase order or contract therefore.
 3. For all procurements made not subject to competitive bidding, details surrounding the procurement, including the rationale as to why the procurement was not subject to competitive bidding.
 4. For all procurements awarded to other than the lowest cost quoted, details outlining the reason for doing so shall be maintained.
- E. The Corporation shall capitalize all purchases in excess of \$2,500.