

## PROCUREMENT

Effective: April 30, 2002 06-07

Objective: To establish bidding procedures for Tompkins County consistent for all departments and to allow the Board of Representatives to award bids in the best interests of the County.

Reference: Resolution No. 38, adopted by the Board of Representatives on February 13, 1978; General Municipal Law, Sections 103 and 104; Tompkins County Charter and Code, Section 6.02; Finance Law Section 175-b; Correction Law Section 186.

Policy of the Board of Representatives:

All staff whose responsibilities include Purchasing are charged with strict adherence to state law and with exercising their best judgment to procure acceptable quality at the lowest price.

The County Attorney is charged with ensuring that the highest standards of ethics are adhered to by all employees with the authority to purchase on behalf of Tompkins County, and that the laws of the State of New York are consistently adhered to in all procurement activities.

Whenever an item or project is bid pursuant to General Municipal Law, except for bids awarded under the Capital Program, the appropriate program committee of the Board of Representatives shall determine which specifications it wishes to review and/or approve and which may be approved by the Department of Finance, and which bids it wishes to take action to award and which may be awarded by the Department of Finance.

Whenever the committee delegates this responsibility to the Department of Finance, the actions of the Department are final. Whenever the committee elects to take final action, this action shall appear on the next agenda of the Board of Representatives as an item that does not require, but may receive (see Rules of the Board), Board action.

All bids under the County capital program must be awarded by the Board of Representatives on recommendation of the appropriate program committee.

The Director of Finance, through the Division of Purchasing, is charged with maintaining Purchasing procedures that eliminate unneeded steps and paperwork but maintain adequate and appropriate controls so that costs for acceptable quality, and the risks of collusion, are minimized.

The Program Committee to which the department contracting for services reports shall be provided with a written statement of the nature of the service being contracted, the highlights of the contract terms, and the price of the service. Any other information about bidding and contracts that is requested by members of the Board of Representatives shall be provided in an expeditious and clear manner.

The Indoor Air Quality program maintained by the Employee Safety and Health Coordinator shall include ongoing guidance to the Purchasing Division so that articles purchased do not create discomfort or danger for any employee (see Policy 01-22). The appropriate Board committee (the one dealing with health and environmental quality) shall provide ongoing guidance to the Purchasing Division through committee review of specifications so that environmental as well as health implications of specifications and purchases can be part of the decision process.

Procurement Procedures of the Director of Finance:

1. Purchases of labor construction, and objects (i.e., all purchasing other than professional services) which exceed the dollar limits specified in the General Municipal Law, must be put out to bid according to the procedure as described below in Sections 4-10 , unless the item may be purchased on State contract.

The bidding procedure may be waived in certain instances as described in 1 D, below. If a department has questions as to whether or not an item or contract needs to go to competitive bidding, the County Attorney should be consulted for an opinion.

Exceptions to competitive bidding are listed below in Sections 1 D and 11. The Director of Finance is responsible for documenting each decision in which goods and services exceeding the bid limits are procured without competitive bidding.

A. Goods and services whose estimated cost is under the bid limits as established by New York State General Municipal Law are not subject to competitive bidding. Purchases under bid limits must be according to procedures set forth below.

B. Emergency. In the case of a public emergency as declared by the Chairman of the Board of Representatives, goods and services exceeding the bid limits may be procured without competitive bidding. A "public emergency" shall be one in which the life, health or safety of the residents of Tompkins County are potentially threatened.

The Director of Finance, County Attorney and County Administrator shall provide a recommendation to the Chair of the Board prior to declaration of emergency. The Director of Finance is hereby authorized to award bids when such delegation of authority will avoid the necessity of a declaration of emergency. Notification of such award shall be provided in writing to Board members, the County Attorney, and the County Administrator.

C. Sole source. It is possible that a particular good or non-professional service can be obtained only from one source. It is the responsibility of the Director of Finance to document such "sole source." In this case, competitive bidding is not required.

D. Bidding requirements are waived in the following cases:

1. Purchase of perishable foodstuffs or drugs or medical supplies.
  2. Damage to public facilities that renders the building(s) untenable.
  3. Replacement parts for repairs are needed for vital machinery, equipment or other apparatus of the Department of Public Works, Department of Fire, Disaster and EMS, or Information Services Department.
  4. Procurement from or through the state, either through State contracts or the three preferred sources: Department of Correctional Services, Industries for the Blind and Industries for the Handicapped.
  5. Surplus and secondhand supplies, materials, and equipment purchased from the Federal Government, State of New York or other political subdivision.
2. "Professional Services" are as defined by the State Comptroller's Office. Questions about this may be directed to Purchasing staff in the Department of Finance.

Purchases of professional services, which are not required to be bid by State law, shall be governed by the following principles and practices:

- A. Contracts must be executed for all professional services except 1) employee training and education and 2) attorney services directly purchased by the County Attorney (see also Policy 01-10).
- B. Staff who are purchasing professional services must seek to generate proposals to perform these services that are as appropriate to the County's needs and as cost-competitive as possible, by use of RFP's RFQ's, etc. RFQ's may be used to keep/establish a list of providers of professional services; RFQ's may be used prior to RFP's.
- C. The process to be followed in each new or renewal contract for professional services shall be proposed by the departmental staff person responsible for the services to the Director of Finance who shall transmit a recommendation to the appropriate program committee of the Board of Representatives (see "Policy of the Board of Representatives," above). A list of expiring contracts for professional services should be taken to each program committee early in the year for this decision to be made ahead of time on the year's contracts.
- D. In most instances, new requests for proposals should usually be issued at least every five years for contracts in excess of \$100,000, but there are exceptions to this which shall be determined by the Director of Finance and the County Administrator on recommendation of the affected department or the appropriate program committee of the County Board.

E. A “Professional Service Provider History” shall be maintained by the Division of Purchasing which shall include, for all potential providers issued RFP’s, the following information: response, relative position in results, statement of satisfactory completion of contract if awarded, statement of any problems encountered.

3. Rental Agreements. County departments that lease space shall, not less often than every five years, entertain proposals from property owners to provide them with their space. The specific process for generating proposals shall be the same as described in #2 C above.

4. Departments requiring bids will submit to the Division of Purchasing enough information to enable the Division of Purchasing to draw up specifications for items to be submitted for bids. The schedule for the bid advertisement and opening will be determined by the Division of Purchasing, based on newspaper advertising schedules and reasonable time periods for vendors to cost out their bids. Departments will be advised of the bid schedule. In any instances when the bidding department desires a faster turnaround by the Division of Purchasing, a request must be sent in writing to the County Administrator stating the desired turnaround time and the reason why an expedited process is needed. All bids will be advertised by the Division of Purchasing following program committee review of specifications, if required. A minimum of five (5) working days is required between the date of legal advertisement and the date of bid opening.

5. The Director of Finance shall send a list, on whatever schedule (monthly, quarterly, annually) each program committee prefers, of the upcoming bids in each committee’s area of responsibility.

A. Items or projects not contained in approved budgets may not be bid.

B. Bid Specification. The committee shall designate to the Director of Finance which sets of specifications for bidding they wish to review during development and prior to their being approved in order to ensure that Board policies are being followed.

In developing specifications, the Purchasing Division shall utilize an environmental health and safety check list and work with the user department and, where appropriate, with potential bidders. Whenever the Division and the user department cannot agree, the matter should be discussed with the County Administrator.

C. Changes to the specifications shall be by written addendum. These addenda shall be mailed so as to be received by potential bidders no less than four (4) calendar days prior to bid opening. It is the responsibility of potential bidders to check with the Department of Finance to ascertain whether addenda have been issued. The Department of Finance cannot be held responsible for delays in the mail.

D. For all highway equipment items subject to bid, municipalities and the general public will be given an opportunity to bid on the equipment to be replaced at the same time that bids are solicited for the new equipment. Bids will be requested for a gross bid

without trade and a net bid with trade. If the old equipment is not traded in or sold at this time, it will be sold at the annual auction and the municipalities and the general public will be informed of the auction.

E. When specifications are prepared by outside consultants, such as architects and engineering firms, the responsibility for meeting legal requirements still rests with the County. Therefore, these specifications must be approved by the Division of Purchasing prior to being submitted to state or federal agencies for review.

6. Bid Openings. Bids will be returned to the Division of Purchasing. The department head involved or a designee may be present at the opening of bids, as may any member of the appropriate Board committee and of the public. Purchasing staff opens the bids, reads them aloud and makes a record of the bids received.

7. Bid Analysis. Purchasing staff analyzes the bids submitted and reviews them with the County Attorney when necessary. The Risk Manager or designee shall review the insurance certificate and bid bond to determine conformance with the requirements for that bid determined by the County Attorney and noted in the specifications for that bid.

8. Bid Awards. The committee shall designate to the Director of Finance which bid awards it wishes to approve, if any, and which Bid Awards it wishes to send to the full Board of Representatives for approval. Bids that the committee does not so designate either to be awarded by itself or by the Board of Representatives shall be awarded by the Director of Finance. All bid awards are final subject only to the appeal provisions in Policy 06-12.

Notwithstanding the above, all bids under the Capital Program must be reviewed by the appropriate committee(s) and approved by the Board of Representatives.

All bids must be awarded to the lowest responsible bidder furnishing any required security, provided that the bidder is not in arrears to the County or has not defaulted on a contract or obligation to the County. If a bid is awarded to other than the lowest bidder, full documentation for the decision shall be retained by the Purchasing Division in the bid file, and the reason for the action must be stated in the Board resolution awarding the bid and approved by the County Attorney.

The County Attorney shall be consulted and shall recommend on all issues of legality in connection with bidding.

A "Bidder History" shall be maintained by the Division of Purchasing which shall include, for all bidders sent bid specifications, the following information: response to bid solicitations, relative place in bid results, statement of satisfactory completion of contract if awarded, statement of any problems encountered.

9. Following approval of bid acceptance, the department head involved should work with the Division of Purchasing on the details of working out the contract or purchase (see Policy 01-10 for contracts and Policy 06-01 for purchases).

10. Requests for Proposals (RFP's). RFP's are an extension of the bidding process. RFP's may be used to procure professional services and in other cases where bidding is not required. An RFP should contain the following information:

- A. Scope of services required;
- B. Instructions (how the proposal is to be submitted, including deadline);
- C. General terms and conditions;
- D. Insurance and bonding requirements, and;
- E. Evaluation criteria (how the proposals will be evaluated and the award made).

It is possible to negotiate with any of the proposers. An RFQ can also be used for professional services in which case 10 A and E may be included.

11. Procurement procedures for Goods and Services (Non Public Work Services):

A. Purchases up to \$999 can be made without competitive solicitation. This is intended for one-time items, not repetitive purchases for which a Blanket Purchase Order is required.

B. Purchases from \$1,000 to \$4,999 can be made without formal competitive bidding, but require three written quotes. All such purchases will require issuance of a Purchase Order, which will require issuance of a Purchase Order, which would be issued, based upon appropriate documentation.

C. Purchases of \$5,000 and above would be handled by purchasing staff by written quote and or formal advertisement.

D. Price quotes and vendor selection will be carried out by the Department of Finance unless a different arrangement is made with the requisitioning department on a case-by-case basis.

1. Goods and services whose estimated cost falls between \$500 and \$1,000 shall be procured after three (3) telephone quotes have been obtained.

2. Goods and services whose estimated cost falls between \$1,000 and the bid limit set by the State of New York shall be procured after three (3) written quotes have been obtained.

3. Copies of the three (3) written quotes or notes from the three (3) telephone quotes shall be attached to the Purchasing Division copy of each purchase order.

12. Procurement procedures for contracts for Public Works:

A. Contracts for services up to \$2,999 can be authorized without competitive solicitation. Invoices under \$1,000 can be submitted for payment without a Purchase Order. Work authorized above \$1,000 will require a Purchase Order.

B. Contracts for services between \$3,000-\$4,999 would be authorized by Purchase Order with a minimum of two written quotes accompanying a requisition.

	<b>Verbal Quotes  By Department</b>	Written QuotesBy Department	Written QuotesBy Purchasing	
<b>Purchase Contracts Below \$10,000</b>				Contracts for services between \$5,000- \$19,999 would be handled through Purchasing and would require three written quotes.
Under \$1,000				
\$1,000 - \$4,999				
\$5,000 - \$9,999				
<b>Public Works Below \$20,000</b>				
Under \$3,000				
\$3,000 - \$4,999				
\$5,000 - \$19,999				