

## CONTRACTS

<b>Objective:</b>	To establish procedures for the authorization, execution and implementation of contracts entered into by the County	<b>Policy Number:</b>	01-10
<b>Reference:</b> <i>(All Applicable Federal, State and Local Laws)</i>	Tompkins County Charter and Code; Office of the Clerk of the Legislature; Resolution No. 331 of 1980; Opinion of the County Attorney of November 18, 1991	<b>Effective Date:</b>	June 28, 1982
		<b>Responsible Department:</b>	County Administration
		<b>Modified Date (s):</b>	March 4, 1997, April 5, 2005, March 15, 2005
		<b>Resolution No.:</b>	R046-05
		<b>Next Scheduled Review:</b>	

### Legislative Policy Statement:

#### General

#### Information:

#### I. Definitions:

#### II. Policy:

It is the policy of the Tompkins County Legislature to secure the highest level of goods and services from vendors consistent with budgetary constraints in a manner that reduces administrative burden on both parties while protecting the taxpayer. To this end, the need for goods and services shall be widely publicized and all contracts, prior to finalization, will be reviewed to ensure that they include legal and financial protection to reduce potential liability to taxpayers, and that the County's diversity goals are considered. In addition, a record shall be kept of the County's experience with all vendors and contractors.

#### Procedure:

#### I. Types of Contracts

##### A. EZ Contracts

Used when funds are in the budget, pre-approved vendor is selected, standard contract form is used, and term is for one year or less (one year = 365 consecutive days and may overlap calendar years) (See flowcharts-Schedule A and Service Agreement form-available from County Administration).

1. Vendors selected to perform County services must be pre-approved by Tompkins County Contracts Coordinator. The pre-approved vendor list is to be determined, categorized and maintained through a pre-qualification application process administered by the County Contracts Coordinator through the following steps:

- a) It is made known to the County Contracts Coordinator that a vendor wishes to perform work for the County (this could come from the vendor, the department, or other sources).
- b) The County Contracts Coordinator categorizes the type of service(s) provided by the vendor.
- c) The County Contracts Coordinator determines the hold harmless and insurance requirements (if a waiver is needed or desired, follow the procedure outlined in Policy 01-22, #8. The issue of any waiver should be resolved at this stage of the contract process).
- d) The County Contracts Coordinator sends an pre-approved vendor application to the vendor to complete and return.

e) The County Contracts Coordinator reviews the completed vendor application and proof of insurance.

f) If all conditions are met, the County Contracts Coordinator places the vendor on the pre-approved vendor list.

No service or program requiring a contract may be started until an executed contract authorizing that service or program is on file in the County Contracts Coordinator's Office unless the contract qualifies as an extreme emergency, which is determined by the County Contracts Coordinator. However, in the case of contracts between the County and New York State, where a State- executed contract is usually not returned by the time a program must start, a letter of intent from the appropriate State department stating that the funds for said program are available and County may implement said program, may be placed on file in lieu of the State-executed contract. A Contract is required whenever a service is to be rendered to and/or for the County or using County funds, and is performed on County property by: a) an individual who is not being paid for such service as a County employee; b) a non-County department or municipality; c) an agency (voluntary or not-for-profit); d.) a vendor (privately or publicly owned); or e) work or service performed by the county. Every contract will contain anti-discrimination clauses.

2. No contract for personal services provided by classified staff may be initiated without the written approval of the Commissioner of Personnel.

3. The County Administrator shall establish priorities and may designate authority to execute agreements.

**B. Contracts that require steps in addition to the E-Z Process above:**

	<b>TYPE OF CONTRACT ADDED STEPS/EXPLANATION</b>
Capital Project	\$1 -\$49,999 per contract: County Administration shall approve; \$50,000-\$299,999 per contract: Program Committee shall approve; \$300,000 or more: Legislature resolution required. County Administration and program committee reserve the right to move any contract approval to the full Legislature. If a department head needs a resolution for any reason, he/she may also move forward with a resolution, regardless of contract amount.
Leases	Program committee recommends, full Legislature approves unless it delegates approval authority by specific resolution
Room Tax	Program committee recommends, full Legislature approves unless it delegates approval authority by specific resolution
Intermunicipal	Program committee recommends, full Legislature approves unless it delegates approval authority by specific resolution
Bids and Formal Proposals	Program committee decides who approves specification or RFP and who awards contract—staff (department or Purchasing), Committee itself, or Legislature
Grant	Program committee approves
Investment	See Investment Policy, Department of Finance

Land Purchase or Sale      See Land Policy, Department of Planning or Administration

Contract Amendments or Addendums      Same approval procedure as original agreement, unless the amendment plus the original agreement exceeds bid/request for proposal requirements (see Policy 06-07); if this occurs, see Bids and Formal Proposals above

See Policy 06-07 for the procedures to follow for a contract that results from a request for proposals or a bid, especially procedures #4 and #5.

## **II. Procedures of the County Administrator:**

### **A. County-Initiated Contracts:**

1. If the need for a contract arises after the budget process has been completed, the County Administrator or designee involved must initiate a Contract proposal by sending all pertinent information with respect to a pre-approved vendor including funding terms, conditions, and all other pertinent information associated with the Contract.

2. It is the responsibility of the department head or designee to keep contracts updated, to make sure that new contracts are initiated with sufficient lead time to complete the process before old contracts expire, and make sure that programs are not started before contracts are executed.

3. The County Administrator or designee (to be determined by the County Administrator on a department by department basis) shall:

- a. Initiate contract;
- b. Assign a contract number;
- c. Select a vendor from the pre-approved vendor list to perform the service;

(NOTE: the County Administrator, or his/her designee responsible for the contract, should verify that the selected vendor's insurance is adequate for the work that will be performed and that a valid Certificate of Insurance to cover the life of the contract is on file with the County Contract Coordinator).

- d. Negotiate contract terms with the vendor;
- e. Send original contract to the vendor for signature;
- f. Receive signed contract from vendor;
- g. Sign the contract on behalf of the County;
- h. Return a fully executed copy of the contract to the vendor;
- i. Forward a fully executed copy of the contract to the County Contract Coordinator;
- j. Retain a copy of the fully executed contract for the department (NOTE: the number of originals and copies needed will vary from department to department).

4. The County Contract Coordinator shall:

- a. Log the contract in;
- b. Ensure that the contract has been properly executed;
- c. File a fully executed copy of the contract.

B. Contracts not initiated by the County (e.g., cases where the County leases office space from a corporation or a building owner):

1. The contracting corporation, agency, or person, following consultation with the County Administrator or designee, originates the contract and sends two (2) signed contracts to the department head or designee.
2. The County Administrator or designee shall follow the procedure as outlined above for county-initiated contracts, with the exception that any changes or problems noted during the review process shall be communicated to the County Contracts Coordinator.
3. The County Administrator or designee sends a fully executed copy of the contract to the County Contracts Coordinator.

(NOTE: The above steps apply unless otherwise outlined in the Tompkins County Charter and Code.)

### **III. Bids and Requests for Proposals (RFP):**

Used for soliciting prices for equipment and services (except for those on the County's Exemption List).

A. When a department realizes a need for equipment or services it notifies the County Contracts Coordinator, Purchasing, and Legislature by completing a Bid/RFP Project Activity Report (available from County Administration). This completed report is given to the person responsible for generating the agenda for the Board committee responsible for the oversight of the program for which the equipment or service is needed. The agenda generator is responsible to see that the Project Activity Report is attached to the committee's agenda ahead of the meeting as well as being copied to the County Contracts Coordinator, Purchasing, and all other Legislature members (not assigned to the standing committee).

B. The members of the responsible Legislative committee are to contact the designated Project Manager prior to the committee meeting in order that all questions, comments, and concerns may be addressed ahead of the scheduled committee meeting. If a non-committee member of the Legislature has comments, they should contact the Committee Chair (not the Project Manager) ahead of the committee meeting.

C. The Bid/RFP Activity Report is provided to the responsible Board committee for informational purposes only unless the committee, as a whole, through a vote, agrees that additional committee reviews and approvals are needed before the Bid/RFP is advertised. (See Committee Review Process flowchart-available from County Administration).

D. The Project Manager prepares the Bid/RFP specifications in consultation with the County Contracts Coordinator and Purchasing.

1. If, at this point, it is determined by Purchasing that the equipment or service needed may be obtained by getting quotes, instead of using the formal Bid/RFP process, the project manager will be directed by Purchasing to proceed in getting quotes, select the

successful vendor, and proceed with the EZ Contract policy (see Procedures above).

2. If, at this point, it is determined that the formal Bid/RFP process is needed, it will be advertised by Purchasing, with the insurance requirements confirmed by the County Contracts Coordinator and responses will be received.

E. If the responses received are at or below the budgeted amount, the award to the successful vendor will be made by Purchasing. The EZ Contract process will be followed to generate a contract for the equipment or service. If, however, the responses received are above the budgeted amount, the results must be taken to the responsible Board committee for approval or further direction.

#### **IV. Record of experience with vendors and contractors**

All department heads and program managers are responsible for summarizing and reporting their experiences, with vendors and contractors, both positive and negative, and including any contract performance issues to Purchasing. All such reports shall be kept in the vendors' files in the Purchasing Office.