

A. Introduction

1. Applicability - This Procurement Policy (“Policy”) shall apply to the Lewis County Development Corporation (“LCDC”).
2. Scope – In accordance with Article 18-A of the General Municipal Law (the “GML”), Section 104-b of the GML, and the Public Authorities Accountability Act of 2005, the Agency is required to adopt procurement policies which will apply to the procurement of goods and services paid for by the Agency for its own use and account.
3. Purpose – Pursuant to Section 104-b of the GML, the primary objectives of this Policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of the County of Lewis, 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.

B. Procedures

1. Solicitation Procedures for the Purchase of Commodities, Equipment, Goods or Services.
 - a. Up to \$1,000 per instance – The discretion of the Chairperson or or authorized designee.
 - b. Greater than \$1,000,000 to \$20,000 per instance – Documented verbal quotations or written/fax/email quotations from at least three vendors.
 - c. Greater than \$20,000 per instance – Written Request for Proposal.
 - d. Notwithstanding the foregoing, should cumulative procurements pursuant to paragraphs a or b above exceed \$50,000 per calendar year for a single vendor, the Agency shall be required to prepare a Written Request for Proposal for such procurements.

2. Exceptions. Alternative proposals or quotations shall not be required for procurements made through or with respect to:
 - a. New York State or Lewis County Contracts – when the Agency is able to procure commodities, equipment, goods or services through New York State or Lewis County contracts, it is unnecessary to obtain quotations or bids. This situation also pertains if the Agency can obtain goods or services via Lewis County or one of its municipalities for example for snow plowing, information technology, etc and these goods or services might be at a cost that is lower or comparable to the fair market value;
 - b. State Finance Law Section 175-b (from agencies for the blind or severely handicapped);
 - c. Correction Law Section 186 (articles manufactured in correctional institutions);
 - d. Emergency Procurements – an emergency exists if the delay caused by soliciting quotes would endanger health, welfare, property or an economic development opportunity. Approval of the Chairman is necessary, which shall be documented and shall also include a description of the facts giving rise to the emergency.
 - e. Sole Source Procurements – A “sole source” means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to the Agency is reasonable.
 - f. Utilities and Affiliate Transactions – The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements.
 - g. Unavailability of three (3) vendors who are able or willing to provide a quote.
 - h. Professional Services & Insurance – As defined in section D & E below, these items are not required to comply with Procurement Process.

3. Basis for the Award of Contracts

Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the LCDC determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the LCDC shall consider relevant factors including, without limitation:

- a. Delivery requirements
- b. Quality requirements
- c. Quantity requirements
- d. Past vendor performance and/or experience
- e. The unavailability of three or more vendors who are able or willing to quote on a procurement.
- f. It may be in the best interests of the LCDC to consider only one vendor who has previous expertise with respect to a particular procurement.
- g. Any procurement excepted from the alternative proposal/quotation requirements as set forth in subdivision 2 of this Section B, and the procurement of professional services in Section D of this Policy.

4. Documentation

- a. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.
- b. For each procurement by the LCDC the chief executive officer, Chairman or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.
- c. Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.
- d. Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

C. Effect on Other Procurement Requirements

Where the procurement of a specific good or service is to be accomplished using funds other than the funds of the LCDC and such funding sources specify different or more restrictive procurement requirements than are provided for in this Policy, the procurement requirements of the funding source will supersede the requirements of this Policy.

D. Professional Services

Contracts for professional services involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Examples are: lawyers, doctors, accountants, and engineers. Furthermore, professional service contracts often involve a relationship of personal trust and confidence.

E. Procurement of Insurance.

Procurement of Insurance Brokerage services is subject to this Policy as a professional service. Notwithstanding the foregoing actual insurance policies procured are not subject to requirements of this Policy.

F. Procurement Lobbying Law

In accordance with Chapter 1 of the Laws of 2005, generally referred to as the "Procurement Lobbying Law", the LCDC shall implement the provision of such Procurement Lobbying Law for any contract or other agreement for an article of procurement involving an estimated annualized expenditure in excess of \$15,000.

G. Unintentional Failure to Comply

The unintentional failure to comply with the provisions of Section 104-b of the GML shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

H. Annual Review

This procurement policy and the procedures herein adopted shall be reviewed annually by the Lewis County Development Corporation, and comments concerning the policies and procedures shall be solicited from the Chairman or authorized designee who are involved in the procurement process.