

# **DUTCHESS COUNTY LOCAL DEVELOPMENT CORPORATION**

## **PROCUREMENT POLICY**

### **A. Introduction**

1. Scope – In accordance with Section 104-b of the General Municipal Law (the “GML”) and the Public Authorities Accountability Act of 2005, the Dutchess County Local Development Corporation (the “Agency”) is required to adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of Section 103 of the GML and paid for by the Agency for its own use and account.
2. 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 Dutchess, 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. Determination whether competitive bidding is required**

Prior to any procurement of goods or services, the Chief Executive Officer of the Agency shall determine in writing whether competitive bidding is required under Section 103 of the GML. Such written determination shall be maintained in the procurement file of the Agency.

Except as described below, competitive bidding is required for all contracts for public work including an expenditure of more than \$20,000 and all purchase contracts involving an expenditure of more than \$10,000.

Notwithstanding the above, competitive bidding is not required (i) for certain purchases made through Dutchess County or, to the extent permitted by Section 103(3) of the GML, other counties in the state; (ii) in the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or life, health, safety or property of the inhabitants of the County of Dutchess require immediate action which cannot await competitive bidding; (iii) upon the adoption of a resolution by a vote of at least three-fifths of all the members of the Agency stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, material or supplies of more than \$10,000 may be awarded by the Chief Executive Officer of the Agency to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefore in the manner provided in Section 103 of the GML, and such resolution shall contain a full explanation of the reasons for its adoption; (iv) for surplus and second-hand supplies, material or equipment, which may be purchased without competitive bidding from the federal government, the State

of New York or from any other political subdivision, districts or public benefit corporation; or (v) for professional services.

C. Non-bid procurements

1. Procedures for the Purchase of Commodities, Equipment or Goods not exceeding \$10,000.
  - a. Up to \$500 – The discretion of the Chief Executive Officer of the Agency or authorized designee.
  - b. Greater than \$500 to \$3,000 – Documented verbal quotations from at least three (3) vendors.
  - c. Greater than \$3,000 to \$10,000 – Written/fax quotations from at least three (3) vendors.
2. Procedures for the Purchase of Public Works or Services not exceeding \$20,000
  - a. Up to \$1,000 – The discretion of the Chief Executive Officer of the Agency or authorized designee.
  - b. Greater than \$1,000 to \$5,000 – Documented verbal quotations from at least three (3) vendors.
  - c. Greater than \$5,000 to \$20,000 – Written/fax quotations from at least three (3) vendors.
  - d. Whenever the specified number of quotations cannot or will not be secured, a written explanation therefore shall be maintained in the procurement file.
3. Insurance – All insurance policies shall be procured in accordance with the following procedures:
  - a. Premium not exceeding \$10,000 – Documented telephone quotations from at least three (3) agents (if available).
  - b. Premiums greater than \$10,000 – Written quotations/fax or proposals from at least three (3) agents (if available).
4. Exceptions – Alternative proposals or quotations shall not be required for procurements made through:
  - a. GML Section 103(3) (through county contracts); or
  - b. GML Section 104 (through state contracts); or
  - c. State Finance Law Section 175-b (from agencies for the blind or severely handicapped); or
  - d. Correction Law Section 186 (articles manufactured in correctional institutions).
5. 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, engineers and artists. Furthermore, professional service contracts often involve a relationship of personal trust and confidence. Therefore, where competitive bidding is not

utilized, the Agency shall, at a minimum, solicit alternative proposals or quotations by request for proposals, or written or verbal quotations, unless such solicitation of alternative proposals or quotations will not be in the best interest of the Agency. Except in the case of the DCLDC agency counsel and the DCLDC bond counsel where competitive bidding is not required.

6. Basis for the Award of Contracts – Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefore, except in circumstances that the Agency determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the Agency shall consider relevant factors, including, without limitation:
  - a. Delivery requirements
  - b. Quality requirements
  - c. Quality
  - d. Past vendor performance
  - e. The unavailability of three or more vendors who are able to quote on a procurement.
  - f. It may be in the best interests of the Agency to consider only one vendor who has previous expertise with respect to a particular procurement.
  
7. 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 Agency the Chief Executive Officer of the Agency or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.
  - c. The basis for any determination that competitive bidding is not required shall be documented, in writing, by the Chief Executive Officer of the Agency or an authorized designee, and filed with the purchase order or contract therefore.
  - d. For those items not subject to competitive bidding, documentation shall include a memo to the files which details why the procurement is not subject to competitive bidding and include, as applicable, a description of the facts and circumstances giving rise to the exception.
  - e. Whenever an award is made to other than the lowest responsible dollar offer or the reasons for doing so shall be set forth in writing and maintained in the procurement file.
  
8. Minority and Women Business Enterprises – The Agency shall comply with all applicable legal requirements relating to the hiring of such businesses.

9. Input from Members of the Agency – Comments concerning the procurement policy shall be solicited from the members of the Agency from time to time.
10. 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.

*Adopted 1/14/2011*  
*Adopted 1/20//2012*  
*Re-adopted 1/17/2013*  
*Re-adopted 2/10/2015*  
*Re-adopted 1/19/2016*  
*Re-adopted 1/19/2017*  
*Re-adopted 1/16/2018*  
*Re-adopted 1/9/2019*  
*Re-adopted 1/8/2020*