

Procurement Policy

I. Introduction

A. Scope:

In accordance with Article 18-A of the New York State General Municipal Law (GML), Section 104-b of the GML and the Public Authorities Reform Act of 2009, Syracuse Industrial Development Agency (the "Agency"), is required to adopt procurement policies which will apply to the procurement of goods and services paid for and for its own use and account.

B. Purpose:

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 City of Syracuse, 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.

II. Procurement Officer

A. Designation

The Procurement Officer shall be the Executive Director of the Agency or such other officer or employee of the Agency designated by the Board to carry out the general and specific provisions of the policies and procedures set forth herein. In accordance with GML 104-b, this designation shall be updated biennially.

B. Competitive Bidding

As of the date of adoption of these policies and procedures, the Agency is not subject to the competitive bidding requirements of Section 103 of the General Municipal Law.

C. Duties

The Procurement Officer is hereby designated to be responsible for determining whether a procurement of goods or services is subject to or exempt from the competitive processes described herein. The Procurement Officer shall cause to be made, in writing, the basis and other facts and circumstances relevant to making such a determination.

III. Procedures:

A. Competitive Process

Except as otherwise set forth in this Policy, a competitive process is required for the procurement of the following contracts:

1. Public work contracts (services, labor or construction) involving an expenditure of more than \$1,500.
2. Purchase contracts (acquisition of commodities, materials, supplies or equipment) involving an expenditure of more than \$1,500.

B. Authorization

If the cost of a public works or purchase contract is not more than \$1,500, the Executive Director may authorize the agreement. Public works or purchase contracts for an amount greater than \$1,500 shall require authorization by the Board.

C. Method of Purchase

1. General. The following competitive processes will be used when required by this policy in order to achieve the highest savings:

<u>Estimated Amount of Purchase Contract</u>	<u>Method</u>
\$1,501 - \$3,000	2 written/fax/e-mail quotations
\$3,001 and up	3 written/fax/e-mail quotations or written request for proposals

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$1,501 - \$3,000	2 written/fax/e-mail quotations
\$3,001 and up	3 written/fax/e-mail quotations or written request for proposals

2. Number of Proposals or Quotations. A good faith effort shall be made to obtain the required number of proposals or quotations. If the Procurement Officer is unable to obtain the required number of proposals or quotations, the Procurement Officer will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

3. Documentation.

- (a) Documentation is required of each action taken in connection with each procurement.
- (b) Circumstances justifying an award to other than the lowest cost quoted:
 - i. Delivery requirements
 - ii. Quality requirements
 - iii. Quality
 - iv. Past vendor performance
 - v. The unavailability of three or more vendors who are able to quote on a procurement.
 - vi. 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.Documentation of the relevant circumstance(s) is required.

D. Procurements Exempt by Statute.

Alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals or written quotations, verbal quotations or any other method of procurement which furthers the purposes GML 104-b except for items excepted herein (see D, below), or procurements made pursuant to:

- 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).

E. Exceptions:

In the sole discretion of the Board, alternative proposals or quotations shall not be required for the following procurements:

1. Emergency Situation
An emergency exists if the delay caused by seeking competitive bids would endanger the health, welfare or property of the Syracuse Industrial Development Agency or of its citizens. Approval of the Executive Director is necessary, which shall be documented and shall also include a description of the situation that gave rise to the emergency.
2. Sole Source Procurements
Defined as a situation when there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique benefits, the cost is reasonable for the product offered and there is no competition available.
3. City of Syracuse Contracts

When the Agency is able to procure goods and services through City of Syracuse contracts, it will be unnecessary to obtain formal quotations or bids.

4. Insurance

All insurance policies shall be procured in accordance with the following procedures:

Premium Less than \$10,000 documented telephone quotations from at least three agents (if available)

Premium Over \$10,001 written quotations/fax or proposals from at least three agents (if available)

5. Professional Services

Professional services or services requiring special or technical skill, training or expertise. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgment, integrity, continuity of service and moral worth. The nature of these services are such that they do not readily lend themselves to a competitive procurement process.

In determining whether a service fits into this category, the Agency shall take into consideration the following guidelines: (i) whether the services are subject to State licensing or testing requirements; (ii) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (iii) whether the services require a personal relationship between the individual and agency members. Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); technical services of an engineer engaged to prepare plans, maps and estimates; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; marketing and promotional services (including real estate brokerage); and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

If the cost of a professional service is not more than \$10,000, the Executive Director may authorize the agreement and shall notify the Board of such contract. Professional service contracts for an amount greater than \$10,000 shall require authorization by the Board.

6. Goods or Services Under \$1,500.

The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Resolution Waiving the Competitive Process

The Agency may adopt a resolution waiving the competitive process whenever it is determined to be impracticable.

F. Miscellaneous Provisions

1. Local Preference and Minority and Women Owned Enterprises – It is the preference of the Agency to provide opportunities for the purchase of goods and services from (i) business enterprises located in the City of Syracuse and (ii) certified minority and/or women-owned business enterprises. To that end, the Agency will utilize available lists of M/WBE firms certified by the City of Syracuse and will solicit quotations and proposals from such businesses by notifying them of opportunities to submit proposals and quotations for goods and services. MBE and WBE businesses will be provided with sufficient time to submit proposals in response to solicitations.
2. Comments concerning the procurement policy shall be solicited from the members of the Board from time to time.
3. The Agency shall annually review the policies and procedures herein. Amendments to these policies and procedures may be made at any time during the year.
4. Pursuant to Section 104-b of the GML, the unintentional failure to fully comply with the provisions of this policy shall not be grounds to void action taken or give rise to a cause of action against the Agency, or any member, officer or employee thereof.

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