

## CORTLAND COUNTY PURCHASING POLICY INDEX

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## **SECTION 1. INTRODUCTION**

Pursuant to General Municipal Law Section 104-b, goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interest of the taxpayers of the political subdivision or district, 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. To further these objectives, the governing board of every political subdivision and any district therein, by resolution, will adopt internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of section one hundred three of this article or any other general, special or local law.

Pursuant to Cortland County Local Law No. #7 of 2003, the County Administrator administers and oversees all purchasing functions of the County. This policy is the basis for the County's purchasing practices.

The purchase function involves the procurement of materials, supplies, equipment, and services at the lowest possible cost consistent with the quality needed to meet the required standards of the County. Although procedures change, fundamentals do not. Our goal is the promotion of the County's best interest through intelligent action and fair dealing which will result in obtaining the maximum projected value for each dollar of expenditures.

This policy has been prepared as a guide to performing the procurement function in accordance with County policies. It is intended to serve as a continuing reminder of the duties and responsibilities involved in procuring required items, while at the same time maintaining the County's reputation for fairness and integrity.

## **SECTION 2. ETHICS OF PURCHASING**

In order to eliminate any suspicion of wrong doing, unfairness or conflicts of interest prior to any purchase of materials, goods, or supplies, County Department Heads will:

1. Consider the interest of the County in the betterment of its government;
2. Endeavor to obtain the greatest value for every dollar expended;
3. Be receptive to advice and suggestions from others, insofar as such advice and suggestions are not in conflict with legal or moral restriction in purchasing procedures;
4. Strive for knowledge of municipal equipment and supplies in order to recommend items that may either reduce cost or increase municipal efficiency;
5. Insist on and expect honesty in sales representations whether offered verbally or in writing, through advertising or by providing samples of a product;
6. Give all responsible bidders equal considerations and the assurance of unbiased judgment in determining whether their product meets specifications;
7. Discourage the offer of, and to decline any and all gifts which in any way might influence the purchase of municipal equipment and supplies; and
8. Accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions, and cooperate with governmental and trade associations in the promotion and development of sound business methods in purchasing the County's equipment and supplies.

### **SECTION 3. DEFINITIONS**

1. "Blanket Order" will be used to eliminate the necessity for the issuance of separate orders for groups of items or contractual services which are purchased frequently from the same vendor.
2. "County Legislature" will mean the governing body of the County.
3. "Emergency Purchase" as described in Section 12 of this Policy.
4. "Encumbering" will mean the act of reserving funds from the current operating budget for payment of goods and services ordered but not received.
5. "Invoice" will mean a formal billing submitted by a vendor showing the amount due and terms of payment for supplies delivered or services rendered.
6. "Municipality" will mean the County of Cortland.
7. "Professional and Personal Services" will mean those services which are provided to the County of Cortland which will be exempt from the competitive bidding procedures as outlined in this policy.
8. "Public Emergency" will mean an accident or other unforeseen occurrence or condition, whereby circumstances affecting public buildings, public property, or the life, health, safety or property of the inhabitants of the County are involved allowing for procurement of goods without competitive bidding.
9. "Purchase Order" will mean formal notice to a vendor to furnish the supplies or services described in detail thereon. A Purchase Order is a formal contract with the vendor.
10. "Purchasing" will mean the act of obtaining supplies, equipment, or services necessary to carry out a particular function of the County.
11. "Purchaser" will mean the person who has been authorized and is responsible for the Purchasing function of a Department.
12. "Quotation" will mean an informal notice, either verbal or written, from a vendor setting forth the terms in which supplies or services will be supplied to the County.
13. "Requisition" will be a request to the appropriate department head for approval to purchase one or more items or necessary services.
14. "Requisitioner" will mean the official or department head, or the authorized subordinate, initiating a request for goods or service.
15. "Specifications" will mean a written description of needed supplies, equipment or services setting forth in a clear concise manner the characteristics of the items and/or services to be purchased, and the circumstances under which the purchase will be made.
16. "Vendor" will mean a supplier of goods or services to the County.

**SECTION 4. PURCHASING POLICY LIMITS AND GUIDELINES**

Pursuant to General Municipal Law Section 104-b, procedures for purchasing goods or services that fall below monetary bid limits must be established and approved by the governing board. The following guidelines are established for all purchases made by Cortland County Departments. The only exception to these guidelines is the use of the blanket purchase order as described later in this policy.

A Requisition shall be submitted for all orders for any purchase in excess of \$2,500.00 (per invoice, per vendor), with the exception of blanket order items, to allow for proper encumbering of the funds. In all cases, the requesting department is responsible for supplying adequate information to purchase the item requested.

Procurements	Verbal Quotes			Written Quotes		RFP	Other
	0	2	3	2	3		
<b>Purchase Contracts Below \$20,000</b>							
Under \$2,500	X						
\$2,500 - \$2,999			X				
\$3,000 - \$9,999				X			
\$10,000 - \$19,999					X		
<b>Contracts for Public Works Below \$35,000</b>							
Under \$1,000	X						
\$1,000 - \$4,999		X					
\$5,000 - \$14,999				X			
\$15,000 - \$34,999					X		
Emergencies							
Insurance							
Professional Services						X	
True Leases					X		
Second Hand Equipment from Other Govts							a.
Sole Source (i.e. patented or monopoly item)							a.

a. The method of solicitations for these types of procurements may vary depending on the circumstances encountered. The policies and procedures should ensure that the procurement and method of seeking competition is in the best interest of the County.

**\* Note** – Upper Written Quotation Limits for Public Works Projects involving labor or both materials and labor shall be \$35,000 after which require sealed bids.

Quotes must be obtained for the purchase of any and all items that cost \$2,500 or more. Like purchases, such as purchasing a large quantity of low-priced items, require quotes if the total exceeds \$2,500 (i.e. if a department needs to purchase 30 hammers at a cost of approximately \$20.00 each, quotes should be obtained.) If the requesting department is unable to obtain additional quotes due to the nature of the purchase it must be noted on the requisition. The County Administrator will make the final determination.

All items purchased which cost in excess of \$2,500.00 that are not purchased through an available contract, such as a New York State Contract, County Contract or a Group Purchasing Contract, must have quotes as specified above. All quotes obtained by the department must be sent via e-mail to the County Administrator. The requisition number (assigned by the system) must be noted on the quote form. The telephone price quote form may be used when obtaining verbal quotes. Upon approval of the purchase, authorization for a purchase order will be issued.

When obtaining verbal or written quotes the record should, at a minimum include the date, item or service desired, price quoted, name of vendor and the name of the vendor's representative and contact information such as phone, fax and e-mail address.

All awards will be made to the lowest responsible bidder. Circumstances, which must be documented, may dictate purchase from other than a low bidder (i.e., delivery requirements, quantity requirements, location of the vendor, known past experience of a vendor, etc.)

## **SECTION 5. GUIDELINES WHEN PROPOSALS OR COMPETITIVE BIDDING IS NOT REQUIRED**

There are certain expenditures for which obtaining proposals or bidding is unnecessary. The following purchases may be made without obtaining proposals or competitive bidding:

1. Contracts for professional services which are exempt under the General Municipal Law, Section 103.

Professional services and services requiring special or technical skill, training or expertise are not purchase contracts or contracts for public work, as those phrases are used in the bidding statutes and therefore are not subject to competitive bidding procedures. The determination of whether the professional service exception is applicable in given situations must be made on a case-by-case basis, examining the particular services to be acquired.

Generally, professional services involve specialized expertise, use of professional judgment and/or a high degree of creativity. The courts have noted that professional service contracts often involve a relationship of personal trust and confidence. Among the services which have been held to be exempt from competitive bidding under this exception include, but are not limited to, the following: physicians, psychiatrists, psychologists, pharmacists, engineers, surveyors, accounting firms, attorneys, architects, and individuals who supply a service that requires specific training to perform a task that is unique and not readily available from most sources.

2. Utilities. Utility service commodities shall be secured by the County Administrator's Office.
3. Insurance. Stop Loss Insurance for the County's Health and Worker's Compensation programs shall be secured by the County Administrator's Office. General Liability and Property Insurances shall be secured by the County Administrator's Office with approval by the County Legislature.

## **SECTION 6. ENCUMBRANCES:**

An encumbrance is an obligation in the form of a purchase order, contract or salary commitment that is chargeable to an appropriation and for which a part of the appropriation is reserved prior to incurring the liability and prior to actual expenditure of funds.

It is important that departments operate within the appropriations provided by the governing board. To accomplish this, expenditures must be closely controlled; in fact, controls are required by various laws pertaining to local governments.

The proper use of an encumbrance system reduces the possibility that appropriations will be over-expended. In addition, an encumbered obligation may be paid in the next fiscal year without further appropriation by the governing board.

## **SECTION 7. PURCHASING POLICY AND CONTROL**

1. The County Administrator will be responsible for developing and administering the Purchasing program.
2. Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure of more than \$20,000 and public works contracts involving more than \$35,000 will be awarded only after public advertising soliciting formal bids (Section 103 of the General Municipal Law.)
3. All bid packages for competitive bidding will be prepared by the Department in coordination with the County Administrator. The requesting departments are to submit the necessary information as outlined in the competitive bidding section of this policy.
4. No quotes are to be solicited or purchases made, for any technology related equipment or services without prior approval from the County Administrator and the Director of Information and Technology.
5. The Purchasing procedures employed will comply with all applicable laws and regulations of the State and County.
6. Opportunity will be provided to all responsible suppliers to do business with the County. To this end, Departments will develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such lists should be used in the development of a mailing list for distribution of specifications and invitations to bid. Any supplier may be included in the list upon request.
7. All contracts which require public advertising and competitive bidding will be awarded as provided by law and this policy. All contracts will be on file in the County Attorney's Office.
8. Purchases should be made through available State Contracts of the Office of General Services, Division of Purchasing, from a preferred source pursuant to Sections 175(a) and 175(b) of the New York State Finance Law or under County contracts pursuant to Section 408-a of the County Law, whenever such purchases are in the best interest of the County. All New York State contracts can be found at [www.ogs.state.ny.us/purchase](http://www.ogs.state.ny.us/purchase) or by contacting the County Administrator's Office. A requisition must be completed and a purchase order will be issued for all purchases from State Contracts, additional quotes need not be obtained.
9. Requests for renovations or maintenance to County property are to be submitted to the Superintendent of Buildings and Grounds. Upon receipt the issues will be reviewed with the County Administrator.
10. Supplies used by various officers and departments should be uniform whenever consistent with operational goals and in the interest of efficiency or economy. The department head may be required to justify the need for a special type of item.

11. No official or employee will be interested financially in any contract entered into by the local government as defined in Article 18 of the General Municipal Law. This also precludes acceptance of gratuities, financial or otherwise, by the above persons, from any supplier or materials or services to the County.
12. The County of Cortland will not be deemed responsible for commitments made circumventing these procedures.

## **SECTION 8. DEPARTMENTAL LEVEL - PURCHASE REQUISITION**

1. **PURPOSE:** Provides a means of initiating the ordering process for goods and services. Also, provides a formal record, within the department, that such goods and/or services have been requisitioned. Provides the proper authority to procure the item requested.
2. **FREQUENCY:** Prepared whenever goods and services are required.
3. **PREPARATION:** The requisitioning department obtains the required quotes or uses one of the following means to secure pricing for the items or services requested:
  - a. County bid awards.
  - b. New York State Contracts - these contracts by State Division of Standards and Purchase awarded after formal bidding by New York State and made available to political subdivisions by State Law or in the case of the Center for Nursing and Rehabilitation, contracts awarded through a Group Purchasing Organization.
  - c. Preferred Source offerings required under Article XI of the State Finance Law.
  - d. Formal bid preparation.
  - e. Quotations: informal notice by a vendor setting forth terms under which he will furnish supplies or services.

The Department Head or authorized person within a department must then enter the request to purchase the items through the MUNIS on-line requisition system. The required quotes and documentation should be attached to the requisition for review by subsequent approvers. The respective County Department Head must review and approve the purchase requisition prior to conversion to a final Purchase Order.

The request will be approved and a purchase order will be issued as soon as possible after all of the required documentation is received.

4. **RESPONSIBILITY:** The individual departments insure that items ordered and expenditures are within the budgetary appropriations.

**IMPORTANT NOTE:** Purchase orders will not be issued if funds are not available in the appropriate line. Transfers must be completed before a purchase order will be issued.

## **SECTION 9. PURCHASE ORDER**

1. **PURPOSE:** Provides a formal document and authority for the purchase of goods and services. Provides documentation that goods and services have been ordered and received. Provides the necessary authority to pay vendor claims for goods and services. Initiates and substantiates

various accounting processes. Provides the necessary tax-exempt sale proof needed by vendors. A complete executed purchase order becomes a valid contract by and between the County of Cortland and the Vendor providing the goods and services.

2. **FREQUENCY:** Prepared by the Requesting Department, upon receipt and approval of purchase requisition.
3. **RESPONSIBILITY:** In all instances, purchase orders are required to be completed for all purchases (per invoice, per vendor) before a purchase is made. Emergencies are the sole exception, in which case a confirming Requisition and Purchase Order shall be prepared and issued the next business day. Emergency purchases are further described in Section 12.

## **SECTION 10. INTERNET PURCHASES**

Internet purchases will be considered on a case-by-case basis. If an item is found to be the lowest acceptable item available from a vendor that will only accept purchases made on-line, the department is to contact the County Administrator or the County Auditor for approval prior to making the purchase. The decision will then be made to make the purchase using a personal credit card. In all cases a Purchase Requisition issued to the vendor must be submitted and a Purchase Order number must be issued prior to placing the order. The adopted Purchasing Policy must still be adhered to. At the time of payment, the vendor number of the credit card owner used to purchase the items must be used to issue payment. For example: PO issued to E-bay, order placed by using the department heads personal credit card, the final purchase order submitted to the Audit Department must have the Department Head listed as the payee. A reference must be included on the requisition/purchase order that it is an approved internet purchase.

## **SECTION 11. BLANKET PURCHASE ORDERS**

1. **PURPOSE:** To eliminate the necessity for the issuance of separate orders for groups of items which are purchased frequently or by annual contract from the same vendor. To permit the department to purchase items of this nature on an "as needed" basis when there is no provision to maintain an inventory.
2. **RESPONSIBILITY:** The amount and period of the blanket purchase order will be determined by the respective department head in conjunction with the County Administrator and County Auditor. It should be based on information available in the records covering previous fiscal years and present departmental needs.

Blanket Purchase Orders may be issued for the following circumstances:

- A. To vendors which Cortland County has entered into a contract with such as annual bids for supplies or services, utilities, rent, State Contracts or any other type of approved contract.
  - B. To vendors without a contract, for the purchase of such items as may be necessary in the departments day-to-day operations. Items may not be purchased in amounts which meet or exceed the competitive bidding requirements.
3. **FREQUENCY:** Issued as needed to various vendors for purchases of those items considered being of an immediate need or for purposes of consolidating purchases. Blanket orders may be issued on a monthly, quarterly, semi-annual or annual basis.



4. DISTRIBUTION: The same as regular purchase orders.

5. PREPARATION: The same as regular purchase orders.

Requests for blanket purchase orders will be issued on a case-by-case basis. Blanket purchase orders cannot be overspent. A new blanket purchase order must be established if acquisitions exceed original blanket purchase order amount.

The department must keep a record of these purchases made to insure that they do not exceed the amount allowed by the blanket purchase order.

## **SECTION 12. EMERGENCY PURCHASES**

1. DEFINITION: To allow verbal approval from the County Administrator for an emergency purchase by a Department Head in cases where necessity for immediate action exists.

Emergency Purchase - General Municipal Law Section 103 (4) clearly states, "in case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants require immediate action which can not await competitive bidding, contracts for public work or the purchase of supplies may be let by the appropriate officer, board or agency."

2. PROCEDURE: When a department has an urgent situation, the following procedures will be followed:

- a. Prior to purchase, the County Administrator shall be contacted. The requisitioning department should be prepared to supply the following information:
  1. The reason the purchase is urgent.
  2. The department name and budget account.
  3. A complete description and accurate cost of the item to be purchased.
  4. The name and address of the vendor from whom the goods are to be purchased.
- b. Requisitioning department will verify the necessary budgetary appropriation.
- c. The County Administrator will determine if a purchase is in fact urgent.
- d. If it is determined that an urgent situation does exist, the immediate availability of the required goods or services will be given prime consideration in the selection of the vendor.
- e. The County Administrator will verbally approve the purchase of emergency supplies/services and keep record of same.
- f. The requesting department will prepare a requisition containing the required information. The requisition should be marked Emergency Purchase and entered into the purchase requisition system as soon as possible on the next business day.
- g. The individual who picks up the items from the vendor must obtain an extended invoice containing:

1. Quantity and description of items purchased.
2. The unit and total cost.
3. Signature of the individual receiving the goods.
4. Date County Administrator approved invoice

h. The County Administrator shall authorize the preparation of the emergency purchase order for regular distribution.

3. RESPONSIBILITY: The County Administrator WILL NOT approve an emergency purchase when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is lack of proper planning.

### **SECTION 13. RECEIPT OF GOODS - DEPARTMENT**

Upon receipt of deliveries to County departments, an inspection of the goods should be made by the employee before the employee signs for shipment. If there are any discrepancies or damages noticed at the time of delivery, the employee will note these on the delivery slip before affixing his or her signature accepting deliveries. This procedure will assist the County from incurring payments for damaged goods and/or goods not actually received.

Upon receipt of goods and/or services, the receiving department shall attach a copy of the signed delivery slip and/or note on a copy of the purchase order, the exact quantity received, noted by receiving signature. The appropriate copy of the Purchase Order shall then be forwarded to the County Auditor for payment.

If, upon receipt of goods and/or services by the receiving department, if it is determined that the goods and/or services are not what was initially ordered or not acceptable due to quality or some other reason, every attempt should be made by the Department to resolve the problem with the vendor. In the event that a resolution is not reached, a vendor complaint memo and all documentation should be forwarded to the County Administrator for immediate action. The County Administrator will pursue all avenues to resolve the discrepancies that exist.

Do not forward the Purchase Order to the County Auditor for payment until the entire order has been received.

In the event of a partial order, a notation should be made on the copy of the Purchase Order and retained by the department until all goods and/or services have been rendered.

The Department Head and the County Auditor will be responsible for insuring that all purchases were made in accordance with these procedures. The requisitioning department is responsible for insuring that the Purchase Order is completed properly and submitted to the County Auditor for payment. All invoices, packing slips and other necessary information for payment are to be submitted with the Purchase Order for payment. A corresponding contract number or resolution number must be included on the purchase order. Necessary quotes and bidding information must be attached.

A purchase order to be submitted to the Cortland County Auditor for payment will qualify when the following conditions are met:

- a. An itemized original invoice in sufficient detail with a unique invoice number is provided for audit.
- b. Accompanied by the purchase order signed by the receiving individual and should state the item

has been received or the services rendered. The Purchase Order must be authorized (signed) by the respective Department Head.

- c. Proper budget accounts

As standard business procedure, all County vendors are entitled to prompt payment; therefore, it is the Department Head's responsibility to process invoices and purchase orders in a timely fashion.

If the County Auditor receives any claims for materials, supplies or services for which a purchase order was not issued and approved, and the funds were not encumbered as per policy, the County Auditor in conjunction with the County Administrator will have the authority to nullify the payment of such claim.

#### **SECTION 14. REQUESTS FOR PRINTING AND LARGE QUANTITY COPYING**

The Department of Information Technology Central Printing Services is to be used when a department needs seventy-five or more copies of a form, document, letterhead, or other printed materials.

#### **SECTION 15. SOLE SOURCE**

Competitive Bidding is not required under section 103 of the General Municipal law in those limited situations when there is only one possible source from which to procure goods and services required in the public interest such as in the case of certain patented goods or services.

In making these determinations, the Department must document, among other things, the unique benefits of the item as compared to other items available in the marketplace. In addition, the Department must document that, as a matter of fact, there is no possibility of competition for the procurement of the goods. Therefore, any department requesting approval for the sole source determination from the County Administrator must provide this information for consideration. The request will be reviewed by the County Administrator and/or County Attorney before final approval.

#### **SECTION 16. ANNUAL REVIEW**

The County Legislature will annually review these policies and procedures. The County Administrator and County Auditor will be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy.

#### **SECTION 17. UNINTENTIONAL FAILURE TO COMPLY**

The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b will not be grounds to void action taken or give rise to a cause of action against the County of Cortland or any officer or employee thereof.

#### **SECTION 18. EXCEPTIONS TO REQUIREMENT OF PURCHASE REQUISITION**

There are certain expenditures for which the processing of a purchase requisition is unnecessary. The following purchases may be made without purchase requisitions:

1. All single purchases less than \$200.00 - the benefit derived by the County using the purchase requisition process is minimal for purchases less than \$200.00.
2. Reimbursement of petty cash funds - the custodian of the petty cash fund will request replenishment of the fund with a purchase order submitted to the County Auditor.
3. Interdepartmental Charges: the interdepartmental charge back services are the means by which the County departments are able to charge other County departments for services rendered and/or goods or supplies.
4. Medical examinations and mandatory medication for County jail inmates.
5. Legal Notices and Radio advertisements- a proof of publication should be attached to the purchase order when submitted for payment.
6. Postage meter and stamp costs.
7. Subscriptions, valid memberships, dues, books, videos and individual insurance liability payments.
8. Mileage, travel and conference reimbursement. A County Administrator approved Travel Authorization form must be attached to the purchase order when submitted for payment.
9. All other expenses as determined by the County Administrator on an individual basis. In these cases, a purchase order should be completed and must include:
  - a. vendors name and address
  - b. description of goods and/or services
  - c. unit price and total cost
  - d. invoice number and invoice date
  - e. appropriate budget object account
  - f. department head approval

The completed purchase order, including invoices and all required supporting documentation shall be forwarded to the County Auditor for payment.

## **SECTION 19. CONFLICT OF INTEREST**

No County officer or employee will have an interest in any contract with the County of which he or she is an officer or employee, when such employee has the power or duty to:

1. Negotiate, prepare, authorize or approve a contract or authorize or approve its payment.
2. Audit bills or claims.
3. Appoint an officer or employee who has any of the powers or duties set forth above.

"Contract" in this context refers to any claim, demand against or agreement with the County, either express or implied.

Any County officer or employee who has, will have, or acquires an interest in, any actual or proposed contract with the County of which he or she is an officer or employee, will publicly disclose the nature and

extent of such interest in writing to the County Administrator and Board of Ethics as soon as he or she has knowledge of an actual or prospective interest. This written disclosure will be kept on file.

If any officer or employee had or has reason to believe that he may have a conflict of interest, that employee or officer should contact the office of the County Attorney immediately.

**SECTION 20. COMPETITIVE BIDDING - PURCHASES IN EXCESS OF \$20,000.00  
(PUBLIC WORKS \$35,000.00)**

General Municipal Law, Section 103 requires purchase contracts exceeding \$20,000.00 and public works contracts exceeding \$35,000.00 be awarded to the lowest responsible bidder after public advertising requesting submission of sealed bids.

In determining the necessity for competitive bidding, an aggregate cost of an item or commodity estimated to be purchased in a fiscal year is considered. Exceptions include state contracts and other NYS County contracts, or in the case of the Center for Nursing and Rehabilitation, contracts awarded through a Group Purchasing Organization.

If the actual cost of any purchases or projects are uncertain but suspected to exceed the \$20,000.00 limit, discretion will be used and the bidding procedure will take effect.

The term "Public Works Contract" applies to those items or projects involving labor or both materials and labor. Under Article 8 of the New York State Labor Law, Prevailing Wage Rates apply when a laborer, workman or mechanic is employed. There is no minimum dollar amount. County Administration will apply for the required Prevailing Wage Rate Schedule.

Bid preparation must be coordinated with the County Administrator at least six (6) weeks prior to the required award date to provide adequate approval of the bid package and legal advertising. The following information is required from the requesting department:

- a. Description of the items to be bid.
- b. What is to be included in the specifications.  
(A sample or previously used specifications are to be included whenever available)
- c. Date when requesting department requires the delivery of goods and/or services
- d. List of suggested vendors when available
- e. The adopted budget amount for the goods or services.

The Department is expected to prepare the bid package and advertisement for review and approval by the County Administrator. The Clerk of the Legislature shall be responsible for submitting the bid advertisement, and receiving the bids. The advertisement for bids will contain a statement of time and place where all bids will be publicly opened and read. Bids will be opened by the Clerk of the Legislature and/or County Auditor and the appropriate department head or another designated individual.

After review and careful examination and evaluation of the bids by the department head and if necessary, the County Administrator, a recommendation will be made to the County Legislature for award of bid or contract after the following conditions are met:

- a. Sufficient appropriations within the department's current budget.
- b. The award is made to the lowest responsible bidder meeting specifications.
- c. Rejection of the low bid must be documented and approved by the County Attorney and County Administrator.

Complete bidding records will be filed in the Office of the County Administrator, with the exception of the Highway Department, to maintain one local source of bid information.

A reasonable period should elapse between the public opening and announcement of the successful bidder to permit careful examination of the bids. A bidder may withdraw its bid if no award is made within 45 days of the bid opening.

The requesting department will be responsible for notifying the vendor awarded and the vendors not awarded the contract upon adoption of a Legislative Resolution.

## **SECTION 21. GUIDELINES WHEN SERVICES ARE NEEDED AND COMPETITIVE BIDDING IS NOT REQUIRED**

A department's decision to obtain services without competitive bidding must be documented and justified to the County Administrator's satisfaction. The County Administrator and County Attorney will determine when the formal Request for Proposal process will be used or if quotes or proposals may be obtained from specific vendors/firms. The information required for approval to receive proposals for services that do not require competitive bidding shall include:

- a. A work statement or performance specification
- b. Time frames in which the work is to be completed
- c. Specific criteria to be used in evaluating the proposal

All formal Request for Proposals (RFP) will be legally advertised in the selected newspapers and posted on the County's website.

1. After proposals are received, the County Administrator with such input as he deems necessary will evaluate and review the proposals for completeness, accuracy and compliance with the RFP requirements.
2. The County Administrator will evaluate the proposals received and then determine which proposals to present to the appropriate Legislative Committee for review and discussion. Justification as to the decision to present or not present specific proposals will be made as needed.
3. Firms may be selected to make a presentation and be interviewed by the County Administrator and Legislative committee.
4. A final decision of award will then be made by the appropriate Legislative Committee in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers, to facilitate the acquisitions 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.
5. If a contract is awarded to other than the lowest responsible dollar offerer, the reason for such award must be justified and documented.

## **SECTION 22. VENDOR PROTESTS**

Attempts will be made to be sure bid specifications, terms and conditions are thorough and correct. All appropriate steps will be followed when determining award of a bid package. Even with careful evaluation, vendor protests may be inevitable at some times.

All vendor complaints will be directed to the County Administrator.

The following guidelines will be followed when responding to a vendor's protest:

- a. Complaints must be in writing.
- b. Complaints must contain the following information:
  1. name, address and telephone number of the protester;
  2. the signature of the protester or its representative;
  3. identification of the bid package;
  4. detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; and
  5. form of relief being sought
- c. Complaints must be filed within five days of the recommendation of the award.
- d. When a protest is first received, an immediate attempt will be made to contact the vendor to discuss the issue. The County Administrator will attempt to provide the protester with a thorough explanation of the evaluation factors.
- e. The County Administrator and County Attorney will prepare a written protest decision within five days.

**SECTION 23. NON-COLLUSION STATEMENT (GENERAL MUNICIPAL LAW SECTION 103-d)**

If competitive bidding is required by law, each bid must contain the following statement subscribed by the bidder and affirm by such bidder as true under penalty of perjury.

**NON-COLLUSION CERTIFICATION**

By submission of this bid, each bidder, and each person signing on behalf of any bidder, certifies, and in the case of a joint bid each party thereto certifies as to its own organization under a penalty of perjury that to the best knowledge and belief:

1. That process in this bid has been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such process with any other bidder or with any competitor; and
2. Unless otherwise required by law, the prices which have been quoted in this bid have not been disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any bidder or to any competitor; and
3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

## **SECTION 24.           STANDARDIZATION**

Section 103 of the General Municipal Law makes it possible for the County to standardize on a particular type of material or equipment. The standardization resolution must be approved by at least two-thirds of all Legislative Members, and must state that for reasons of efficiency or economy there is a need for standardization. The resolution will contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements.

Standardization, as the word implies, restricts a purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.



**VENDOR COMPLAINT MEMO**

**(This form may be completed by the ordering department when necessary.)**

Date \_\_\_\_\_

Department \_\_\_\_\_

Contact Person \_\_\_\_\_

Vendor Name \_\_\_\_\_

Items purchased \_\_\_\_\_  
\_\_\_\_\_

Problem Complaint:

\_\_\_ Delayed Delivery

\_\_\_ Inferior Product

\_\_\_ Other

Explanation In Detail:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vendor Response And Resolution: (if available)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is The Resolution Acceptable To The Department?

If no, the completed form is to be sent to Purchasing for review and resolution.)

## TELEPHONE PRICE QUOTES

Department: \_\_\_\_\_ Date: \_\_\_\_\_

Department Representative Obtaining Quotes: \_\_\_\_\_

<b>Items Requested:</b>	

**VENDOR:**

<b>Vendor Representative:</b>		<b>Phone/Fax/email:</b>	
<b>Item/Part #:</b>	<b>Quote:</b>	<b>Delivery Information:</b>	
		<b>When Available?</b>	
		<b>Delivery Charge</b>	
		<b>Re-stocking Fee?</b>	

**VENDOR:**

<b>Vendor Representative:</b>		<b>Phone/Fax/email:</b>	
<b>Item/Part #:</b>	<b>Quote:</b>	<b>Delivery Information:</b>	
		<b>When Available?</b>	
		<b>Delivery Charge</b>	
		<b>Re-stocking Fee?</b>	

**VENDOR:**

<b>Vendor Representative:</b>		<b>Phone/Fax/email:</b>	
<b>Item/Part #:</b>	<b>Quote:</b>	<b>Delivery Information:</b>	
		<b>When Available?</b>	
		<b>Delivery Charge</b>	
		<b>Re-stocking Fee?</b>	

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