

The Administrative Manual: The Policies and Procedures of Cortland County Government

Purchasing and Procurement Policy

Objective:	To establish a consistent procurement policy and procedures for all Cortland County departments.	Policy/Procedure Number:	
Reference: <i>(All Applicable Federal, State and Local Laws)</i>		Effective Date:	11/20/2020
		Responsible Department:	Finance/Audit
Legislative Policy Statement:	All employees whose responsibilities include procurement are charged with strict adherence to all applicable Federal, State and Local General Municipal Laws and regulations. County employees who have the authority to purchase on behalf of Cortland County are charged with ensuring that the highest standards of ethics are adhered to while exercising their best judgment in procuring goods and services.	Modified Dates:	12/19/2019
		Resolution No:	399-19, 357-20
		Next Scheduled Review:	TBD

General Information:

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 103 of this article or any other general, special or local law.

Pursuant to Cortland County Local Law #7 of 2003, the County Administrator or designee 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 of the County. It is intended to serve as a guide to 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 wrongdoing, 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 and 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 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. "Best Value" means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j)). (See Local Law #6 of 2016 – Appendix "B").
2. "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. This type of purchase order can be used when the exact amount is not known for certain (Example: ordering food items, necessary parts for building repairs as needed, medical supplies, emergency response equipment, etc).
3. "County" will mean the County of Cortland.
4. "County Legislature" will mean the governing body of the County.
5. "Emergency Purchase" as described in Section 13 of this Policy.
6. "Encumbering" will mean the act of reserving funds from the current operating budget for payment of goods and services ordered but not received through use of a purchase order. This will include carry-over of the encumbered funds to the next fiscal year in order to complete the purchase.
7. "Invoice" will mean a formal billing submitted by a vendor showing the amount due and terms of payment for supplies delivered or services rendered.

8. "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.
9. "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.
10. "Purchaser" will mean the person who has been authorized and is responsible for the Purchasing function of a Department.
11. "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 between the County and the vendor that will be completed upon approval of a requisition.
12. "Purchasing" will mean the act of obtaining supplies, equipment, or services necessary to carry out a particular function of the County.
13. "Purchasing Card" is a card that will be utilized to make purchases for supplies, materials, meals, lodging and conference registration. The use of the Purchasing Card must follow the same guidelines within this policy (See Appendix "A").
14. "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.
15. "Requesting Department" will mean the official or department head, or the authorized subordinate, initiating a request for goods or service.
16. "Requisition" will be a request to the appropriate department head for approval to purchase one or more items or necessary services. This is the first step in making a purchase.
17. "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.
18. "Vendor" will mean a supplier of goods or services to the County.
19. "Minority and Women Owned Business Enterprise" WBE (Women Business Enterprise) Certification means that a woman (or women) has a majority ownership and control of a business entity. The MBE (Minority Business Enterprise) Certification means that a minority (or minorities) has a majority ownership and control of a business entity.
20. "Section 3 Business Concern" is a business that is at least 51% or more owned by Section 3 residents or whose permanent full-time employees include persons, at least 30% of whom are currently Sections 3 residents, or within 3 years of the date of first employment with the business concern were Section 3 residents, or that provides evidence of a commitment to subcontract in excess of 25% of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications in either of the two preceding areas.
21. "Labor Surplus Area" (LSA) is a civil jurisdiction that has a civilian average annual unemployment rate during the previous two calendar years of 20% or more above the average annual civilian unemployment rate for all states (including Puerto Rico) during the same 24-month reference period. If the national annual average unemployment rate during the referenced period is less than 6.0%, then the qualifying rate is 6.0%. If the national annual

average unemployment rate during the referenced period is above 10%, then the qualifying rate is 10%.

**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.

A Requisition shall be submitted for all items, including blanket orders, to allow for proper encumbering of funds. In all cases, the requesting department is responsible for supplying adequate information to purchase the item requested.

Procurements	Verbal			Written		RFP	Other
	0	2	3	2	3		
Purchase Contracts Below							
Under \$2,500	X						
\$2,500 - \$4,999			X				
\$5,000 - \$9,999				X			
\$10,000 - \$19,999					X		
Contracts for Public							
Under \$2,500	X						
\$2,500 - \$4,999		X					
\$5,000 - \$14,999				X			
\$15,000 - \$34,999					X		
Emergencies							
Insurance							
Professional Services						X	
True Leases					X		
Second Hand Equipment							a.
Sole Source (i.e. patented or							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.

* **Note** – The County will solicit up to three MBEs and/or WBEs as part of its procurement process, when available. **See Section V of this policy.**

Quotes must be obtained for the purchase of any and all items that cost a total of \$2,500 or more. This threshold is not to be applied on a per individual item basis; rather, purchases of any “group” of items that are similar in nature, whose total is \$2,500 or more, require quotes be obtained as well. 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 or designee will make the final determination regarding approval of the requisition.

All items purchased which cost in excess of \$2,500 that are not purchased through an available contract, such as a New York State Contract, County Contract or cooperative purchasing, must have quotes as specified above. 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 requisition, 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.

Awards will be made to the lowest responsible bidder. However, circumstances 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. as well as best value purchasing scenarios). Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible bidder.

**SECTION 5 –
Minority & Women
Owned Businesses,
Section 3 Business,
Labor Surplus Area
Business**

1. Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the County will solicit up to three MBEs and/or WBEs as part of its procurement process, when available. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs, or by working with a clearinghouse such as the Syracuse Minority Business Development Center. The County established purchase/contracting thresholds will apply.

For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD). The County will keep documentation of M/WBE solicitation in its records and any response(s) thereto.

2. Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the County will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan.

Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The County's established purchase/contracting thresholds will apply.

The County will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

3. Labor Surplus Area Business Participation in Procurement and Contracting: The County will solicit bids or quotes for federally funded projects from at least one business located in a labor surplus area (LSA) as defined by the US Department of Labor. The County will access information on eligible labor surplus areas for the most current time period through the NYS Department of Labor. Quotes or bids from a business or businesses in an LSA or LSAs will be solicited directly by phone, email or letter. The County's established purchase/contracting thresholds will apply.

The County will keep documentation of LSA solicitation in its records and any response(s) thereto.

**SECTION 6 –
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 or designee.
3. Insurance. Stop Loss Insurance for the County's Health and Worker's Compensation programs shall be secured by the County Administrator or designee. General Liability and Property Insurances shall be secured by the County Administrator or designee with approval by the County Legislature.

**SECTION 7 –
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 8 –
Purchasing Policy
and Control**

1. The County Administrator or designee 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). This total is the aggregate of all purchases of a certain type by all departments (including office supplies).

3. All bid packages for competitive bidding will be prepared by the Department in coordination with the County Administrator or designee. 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 or designee 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/e- mail list for distribution of specifications and invitations to bid. Any supplier may be included in the list upon request. All bids are to be placed on the County website under the Bids and Request for Proposal link on the main page.
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 <http://www.ogs.state.ny.us/purchase> or by contacting the County Administrator or designee. A requisition must be completed and a purchase order will be issued for all purchases from State Contracts, although additional quotes need not be obtained.
9. Requests for renovations or maintenance to County property that is under the supervision of Buildings and Grounds are to be submitted to the Superintendent of Buildings and Grounds through the Facility Dude program. Upon receipt, the issues will be reviewed with the County Administrator or designee.
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 I8 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. (See Section 20 – Conflict of Interest).
12. The County of Cortland will not be deemed responsible for commitments made circumventing these procedures.
13. In the event of a County State of Emergency declaration, deadlines and thresholds as outlined within the policy may be extended with approval of the County Administrator or designee. In such case, the County is also allowed to disregard purchasing from a successful respondent to get any immediate needs it requires to deal with the emergency on hand.

**SECTION 9 –
Departmental Level-
Purchase
Requisition – Step 1**

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 certain cases, contracts awarded through cooperative purchasing.
 - 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 with each item listed separately. The required quotes and documentation, including contract number if applicable, should be attached to the requisition for review by subsequent approvers. The respective County Department Head or designated backup must review and approve the purchase requisition and if the amount is \$10,000 or more the County Administrator or designee must review and approve the 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 ensure that items ordered and expenditures are within the budgetary appropriations.

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 10 –
Purchase Order –
Step 2**

1. **PURPOSE:** Provides a formal document and authority for the purchase of goods and services. Provides documentation that goods and services have been ordered. 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 before a purchase is made. Emergencies are the sole exception, in which case an order claim form shall be prepared and

issued the next business day. Emergency purchases are further described in Section 13.

**SECTION 11 –
Internet Purchases**

Internet purchases will follow the same requirements as other purchases. In all cases a Purchase Requisition issued to the vendor must be submitted and a Purchase Order must be issued prior to placing the order. The adopted Purchasing Policy must still be adhered to.

**SECTION 12 –
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. For example, general office supplies, medical supplies, etc.
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 or designee 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 and 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 department's 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 blanket purchase order may be amended in the event acquisitions exceed the original blanket purchase order amount and purchases are for the same goods or services as the original purchase order. In such case, an increase to the original blanket purchase order should be requested and submitted to the Budget & Finance department and approved by the Department Head. A new blanket purchase order must be established if the goods or services being purchased are different from that of the original purchase order.

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

**SECTION 13 –
Best Value
Purchasing**

“Best Value” means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j)) (See Appendix “B” – Local Law #6 of 2016).

**SECTION 14 –
Emergency
Purchases**

1. DEFINITION: To allow verbal approval from the County Administrator or designee 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 cannot 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 or designee shall be contacted. The requisitioning department should be supplied with 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 or designee 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 or designee 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.

In the event of a County State of Emergency declaration, deadlines and thresholds as outlined within the policy may be extended with approval of the County Administrator or designee. In such case, the County is also allowed to disregard purchasing from a successful

respondent to get any immediate needs it requires to deal with the emergency on hand.

- 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 or designee approved the purchase.
 - h. The County Administrator or designee shall authorize the preparation of the emergency purchase order for regular distribution.
3. RESPONSIBILITY: The County Administrator or designee 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 15 – Receipt of Goods

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 Budget & Finance for payment.

In the event the goods purchased are considered a Fixed Asset, a notation is to be made on the delivery slip and/or a copy of the purchase order to be forwarded to the Budget & Finance Office to obtain the fixed asset label and to be added to the list of fixed assets owned by the County.

If, upon receipt of goods and/or services by the receiving department, 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 or designee for immediate action. The County Administrator or designee will pursue all avenues to resolve the discrepancies that exist.

Do not forward the Purchase Order to Budget & Finance for final closeout 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 ensuring that all purchases were made in accordance with these procedures. The requisitioning department is responsible for ensuring that the Purchase Order is completed properly and submitted 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 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 stating the item(s) and authorized (signed) by the respective Department Head.
- c. Signed receiving documents for goods purchased.
- d. For services received, a copy of the signed contract or reference to the contract number.
- e. Required quote or bidding documentation.
- f. 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 or designee will have the authority to nullify the payment of such claim.

**SECTION 16 –
Requests for
Printing and Large
Quantity Printing**

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 17 –
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 or designee must provide this information for consideration. The request will be reviewed by the County Administrator or designee and/or County Attorney before final approval.

**SECTION 18 –
Annual Review**

The County Legislature will annually review these policies and procedures. The County Administrator or designee 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 19 –
Unintentional
Failure to Comply**

The unintentional failure to fully comply with the provisions of 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 20 –
Exceptions to
Requirement of
Purchase
Requisition**

There are certain expenditures for which the processing of a purchase requisition is unnecessary. In such cases, a voucher form with the corresponding invoice or receipt attached should be submitted to Budget & Finance for processing and payment. The following purchases may be made without purchase requisitions:

1. 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.
2. Medical examinations and mandatory medication for County jail inmates.
3. Mileage and meals reimbursement. A County Administrator or Department Head approved Travel Authorization form must be attached to the purchase order when submitted for payment.
4. Reimbursement of petty cash funds.

**SECTION 21 –
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 or designee 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 22 –
Competitive
Bidding –
Purchases in**

General Municipal Law, Section 103 requires purchase contracts exceeding \$20,000 and public works contracts exceeding \$35,000 be awarded to the lowest responsible bidder after public advertising requesting submission of sealed bids.

**Excess of \$20,000
(Public Works
\$35,000)**

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 contracts awarded through cooperative purchasing.

If the actual cost of any purchases or projects are uncertain but suspected to exceed the \$20,000 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 or designee 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 or designee. 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 or designee, 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. If Best Value is determined to award the bid, maintain the objective and quantifiable analysis to show the cost- benefit.
- c. Rejection of the low bid must be documented and approved by the County Attorney and County Administrator or designee.

Complete bidding records will be filed in the Office of the County Administrator or designee, 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 23 –
Guidelines When
Services are
Needed**

A department's decision to obtain services without competitive bidding must be documented and justified to the County Administrator or designee. Such scenarios would include sole source or emergency situations or cases in which spending is below competitive bidding thresholds. The County Administrator or designee 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 or designee 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 or designee 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 or designee 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 24 –
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 or designee.

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 or designee will attempt to provide the protester with a thorough explanation of the evaluation factors.
- e. The County Administrator or designee and County Attorney will prepare a written protest decision within five days.

**Section 25 –
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 affirmed 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 26 –
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.

**SECTION 27 –
Tax-Exempt**

The County is a tax-exempt organization. Department Heads or their designees are responsible for informing vendors that Cortland County is exempt from sales tax. It is recommended that vendors be provided with a tax-exempt form to eliminate the possibility of being charged sales tax. If sales tax is assessed on a purchase, it is the Department Head's responsibility to have the vendor remove the tax. Payment issued will be exclusive of sales tax.

**SECTION 28 –
Purchasing Card**

Cortland County shall make available to Department Heads and selected staff a Purchasing Card that shall be used for purchases such as supplies, materials, meals, lodging and conference registration. The Purchasing Card will not be used for any of the items on the list of prohibited transactions and shall be used in conformity with the current Purchasing Policy. Individual authorizations for dollar limits and types of transactions will vary by department.

Purchases using the Purchasing "P" Card are required to follow the requirements laid out within this Purchasing Policy. It is understood that failure to comply with the Purchasing and Purchase Card Policy may be considered misappropriation of funds, and may be subject to revocation of card privileges and disciplinary action. See Appendix "A" for full information regarding the distribution and use of P Cards.

Appendix "A"

**CORTLAND COUNTY PURCHASING CARD USER'S
GUIDE AND POLICY MANUAL
FOR
CARDHOLDERS AND DEPARTMENT HEADS**

Introduction

Welcome to the Purchasing “P” Card Program for Cortland County. The Card is a simplified and cost-effective method of purchasing and remitting payment for approved expenditures. The Purchasing Card can be used for retail purchases, mailed, telephoned, Internet or faxed orders.

The P Card is **not** intended to avoid or bypass appropriate purchasing procedures as outlined in the Cortland County Purchasing Policy, but is to be used in accordance with the guidelines established by the CORTLAND COUNTY LEGISLATURE as detailed in this manual. You are asked to treat this program with the same sense of responsibility and security you would use with your personal credit card.

All P Cards are issued at the request of your Department Head and card usage will be audited and can be restricted and/or rescinded at any time. You are the only person authorized to use your card and it is only to be used for **AUTHORIZED CORTLAND COUNTY** purchases.

This manual provides the guidelines under which you may utilize your P Card. Please read it carefully. Your signature on the Cardholder Authorization Form indicates that you understand the intent of the program and agree to adhere to the guidelines established for the program.

A critical element of this program is the retention of all receipts and prompt reconciliation of statements to these receipts.

CORTLAND COUNTY is a tax-exempt organization. Therefore, sales tax is **NOT** to be paid on purchases made with the P Card. It is strongly recommended that you provide vendors with a tax exemption form to eliminate the possibility of having sales tax charged to the card that will require additional processes to have it removed.

Cardholder Responsibilities

The P Card is intended for purchases such as supplies, materials, meals, lodging and conference registration. The P Card will not be used for any of the items on the list of prohibited transactions and should be used in conformity with current Purchasing Policy. Individual authorizations for dollar limits and types of transactions will vary by department.

- ❖ **ONLY AUTHORIZED PURCHASES FOR CORTLAND COUNTY ARE ALLOWABLE. Use of the P Card for personal purchases is not permitted at any time.**
- ❖ Misuse of the P Card will result in revocation of the Card and if necessary, appropriate disciplinary action. Violations include:
 - Purchasing items for personal use.
 - Failure to reconcile expenses, attach receipts and forward to the Budget & Finance Office no later than the 7th day of each month.
 - Using the Card for items clearly defined as “Not for Card use”.
 - Allowing someone else to use your card.

Cardholders are responsible for informing the vendors that Cortland County is exempt from sales tax. When using your card in person, if a vendor will not process the transaction as tax exempt, **do not complete the transaction.**

- ❖ If you are assessed sales tax on phone, Internet or mail orders, the tax is to be adjusted on your statement before processing for approvals.
- ❖ Refunds and exchanges must be credited directly back to the P Card account. **Under no circumstances shall cash be received for refunds or exchanges.**
- ❖ If your purchase is software or computer related you must first receive approval from the Information Technology Department.
- ❖ A transaction report is provided on-line for each account. It is a **Monthly Statement** available after the first day of each month. The Cardholder will reconcile all receipts with the monthly detailed statement, attach all receipts to the statement and forward it to the department head for approval. After

approval, all documentation must be forwarded to Budget & Finance for payment by the 7th day of each month.

- ❖ The P Card should be treated with the same level of security as cardholders treat their own personal credit cards. Lost or stolen cards must be immediately reported to JP Morgan Chase Bank at **1-800-270-7760**, your Department Head and Program Administrator. Replacement of the P Card must be authorized by the Department Head and Program Administrator.

Purchasing Card Controls

Each card issued will have certain controls/restrictions placed on them. The types of controls consist of:

Card Limits:

- ❖ Each card will have a maximum amount that can be spent per transaction. The Program Administrator will set the maximum dollar limit per transaction and it will be determined on a card-by-card basis. Generally the limit will be set at \$1,500, but will vary depending upon department needs.

Exclusions by Merchant Category Code (MCC): Specific vendors are excluded from use on all the CORTLAND COUNTY P Cards. Any attempt to use these vendors will cause the card to be declined and will be reported to the Program Administrator. Examples of excluded vendors include:

- ❖ Banks, ATM's, and Financial Institutions
- ❖ Liquor Stores
- ❖ Medical Services
- ❖ Insurance Agencies
- ❖ Personal Service Providers (Dry cleaners, beauty salons, spas, etc.)
- ❖ Amusement & Entertainment (golf courses, theaters, etc.)
- ❖ Phone Services

How to Obtain a Purchasing Card

In order to obtain a P Card, the Department Head must request the Card on behalf of the employee. The request must be in writing using the “Purchasing Card Request” form and must be signed by the Employee and Department Head, and forwarded to the Program Administrator.

At that time a JP Morgan Chase Purchasing Card application form will be sent to the employee for completion. It will then be returned to the Program Administrator for processing. When the Program Administrator receives your card you will be required to sign the cardholder’s agreement.

How the Process Works

Step 1 – Make a Purchase

Purchases can be made in person, over the telephone, by fax, or by mail by completing an order form or via the Internet. All purchases require a purchase order prior to purchase.

Documentation/receipts will be required for **all** purchases.

- ❖ Identify yourself as a CORTLAND COUNTY Employee
- ❖ Inform the vendor that you are making a tax-exempt purchase prior to completing the transaction
- ❖ If you make a purchase over \$2,500, the purchasing policy requires quotes. Copies of the telephone quotes or other documentation should be attached to your purchase requisition as well as to the back of your statement when submitting it to Budget & Finance
- ❖ It is your responsibility to verify a W-9 form is on file for the vendor

Step 2 – Receive the Goods

Upon pick up or delivery of your goods, it is important to retain the receipt and packing list (if one is not provided you need to contact the vendor immediately for this documentation). **Every** purchase made on your P Card must be documented with a receipt, which could be in the form of a sales receipt, invoice, e-mail confirmation or registration application. You need to keep all receipts and charge slips for reconciliation of your statement.

All receipts must contain the following information:

- ❖ Merchant name
- ❖ Purchase date
- ❖ A description of each item purchased, including quantity
- ❖ Per item cost
- ❖ Total cost
- ❖ Cardholder name

If this information is not on the receipt the Cardholder is to handwrite it on the receipt prior to attaching it to the statement. If a receipt is lost and cannot be replaced by the vendor a copy can be secured by JP Morgan Chase Bank for a fee, the Cardholder is responsible for payment of this fee.

- ❖ If an item has been ordered by mail that has not yet arrived (therefore no receipt), this should be noted on the statement and a copy of the order form included if available, and the receipt forwarded to Budget & Finance as soon as it is received.

Step 3 – Verification of Goods Received

The Cardholder is responsible for working with the vendor to correct any problems, exchanges or credits. Your statement of account is available on line for you to review. You are responsible for locating any errors and reporting them to JP Morgan Chase Customer Service available at **1-800-270- 7760**. JP Morgan Chase will request complete details of the dispute in writing on County department letterhead in order to research the item in question.

If you believe the supplier has charged you incorrectly or there is an outstanding quality or service issue, you must first contact the supplier and try to resolve the matter directly with the vendor. If a credit or adjustment is due be sure to highlight the line item on your copy of your monthly statement to verify receipt on your next monthly statement.

JP Morgan Chase must receive any charge dispute within 60 days of your statement date. While pending resolution, JP Morgan Chase will credit your account for the amount of the disputed transaction.

Although JP Morgan Chase acts as the arbitrator in any dispute, you should never assume that a dispute will be resolved in your favor.

If the dispute is not resolved to your satisfaction, and you believe you have been unfairly treated by the supplier, please notify the Program Administrator with the relevant details.

Any fraudulent charges must be reported immediately to the JP Morgan Chase Customer Service Center and your Program Administrator. Prompt reporting of any such charges will help to prevent the county from being held responsible.

Step 4 – Reallocate the Charges

All charges made against the purchasing card shall be assigned an account number by the cardholder by the 3rd working day of each month, to allow Budget & Finance time to process the payment without incurring late fees.

The Department Head or Designee is responsible for the review and verification that all transactions are charged to the correct account.

The Department Head or Designee shall confirm that all purchases are reasonable, authorized for departmental business, and that the transactions were not in violation of the P Card or County purchasing policies. The Department Head or Designee shall review and approve the Cardholder statements by signing and dating it and forwarding it to Budget & Finance.

Approved statements with the attached receipts are due in the Budget & Finance Office by the 7th of each month. Card billings will be closed on the last day of each month. On the first working day of each month the cardholders should reconcile their transactions in MUNIS, print the statement, attach all receipts and secure Department Head or Designee approval of the corresponding purchase order.

If this information is not submitted on time your card will be cancelled.

Separation of Employment

When a Cardholder leaves County employment, he/she must return their P Card to their Department Head. The Department Head is responsible for ensuring the card is returned and cancelled. The Department Head shall also notify the Program Administrator of the employee's notice of separation of employment or actual ending date. The P Card shall be cut in half and returned to the Program Administrator. The Department Head or Designee is responsible for submitting the final statement to Budget & Finance with all receipts attached.

If an employee is on extended leave or disability, the Department Head should contact the Program Administrator to have the card "suspended" until the Cardholder returns to work.

Audits of the Program

All card purchases will be audited to confirm the P Cards are being utilized responsibly, receipts are being retained and the Cardholder's statements are being reconciled on a timely basis.

Conferences & Lodging

For lodging within New York State, you will still need to secure a lodging tax exemption form and a sales tax exemption form available online to be presented upon check in. If traveling out of state you should also present these forms.

A Travel Authorization form must be completed and approved by the Department Head or County Administrator prior to booking and charging to the P Card.

Appendix “B”

“Best value” is defined for this purpose as a basis for awarding contracts “to the offerer, which optimizes quality, cost and efficiency, among responsive and responsible offerers.” (State Finance Law, section 163 (l)(j), General Municipal Law, section 103(1) cross-references the definition of “best value” in State Finance Law, section 163) Therefore, in assessing best value, non-price factors can include, but are not limited to, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis.

For purposes of best value, a responsive offeror is an offeror meeting the minimum specifications. In assessing whether an offeror is responsible, consideration of an offeror’s capacity and financial ability to complete the contract, accountability, past performance, reliability and integrity.

Accordingly, should you award a purchase contract on the basis of best value, you must show that: (1) the offeror is responsive and responsible; and (2) the review applied objective and quantifiable standards, whenever possible, to determine that the offer optimizes quality, cost and efficiency. Also there should be written justification if a decision is based on a best value award on criteria that are not objective and quantifiable.

The best value specification should describe the general manner in which the evaluation and award of offers will be conducted and, as appropriate, identify the relative importance or weighting of price and non-price factors.¹⁶ As noted, the decision to award a contract on the basis of best value must be based on objective and quantifiable analysis, such as a cost-benefit analysis, whenever possible. In evaluating and determining to accept a higher priced offer, the local government or school district generally should use a cost-benefit analysis to show quantifiable value or savings from non-price factors that offset the price differential of the lower price offers. The local government or school district’s procurement policies and procedures should require documentation of this analysis.

A local government solicits competitive offers to purchase a new pickup truck. Vendor A offers the lowest priced truck at \$40,000. Vendor B offers a more fuel-efficient truck at a price of \$45,000. Both vendors are responsive and responsible offerers. The local government reasonably estimates its average annual fuel costs to be \$4,000 for Vendor A’s truck and \$3,000 for Vendor B’s truck. The local government also concludes, based on reliable independent studies and assuming current usage of the vehicle, the more fuel efficient truck (Vendor B) will likely have \$250 less in maintenance costs annually than Vendor A (assuming maintenance costs of \$1,000 annually for Vendor A’s truck). The local government determines the expected useful life of a new truck to be 10 years and intends to retain the truck for the full useful life. In order to quantify these other critical aspects relating to the new pickup truck purchase, the local government prepares the following cost-benefit analysis:

Vendor A	Vendor B	Price (Truck)	\$40,000	\$45,000
		Fuel Costs over Useful Life (10 Years)	\$40,000	\$30,000
		Maintenance Costs over Useful Life (10 Years)	\$10,000	\$7,500
		Total Cost	\$90,000	\$82,500

Based on this analysis, it may be possible for the local government to support a determination that the truck from Vendor B provides the “best value” to the local government.

Whether a local government or school district elects to award a purchase contract based on lowest responsible bidder or best value, they are required to comply with public advertising and bid/offer opening requirements that apply to purchase contracts above existing statutory thresholds.

**Adopt Local Law 6 of 2016 Authorizing the Use of Best Value Award Methodology for
Purchase Contracts**

WHEREAS, New York State General Municipal Law §103 has been amended to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law), on the basis of best value;

NOW THEREFORE, BE IT ENACTED by the Legislature of the County of Cortland, as follows:

Section 1

Legislative Intent

With the increased complexity of the goods and services that the County must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria which measure factors other than cost in the strictest sense. Best value procurement links the procurement process directly to the County's performance requirements, including, but not limited to, selection factors such as useful lifespan, quality, and options and incentives for more timely performance and/or additional services. Best value procurement can provide much-needed flexibility in obtaining important goods and services at favorable prices, and can reduce the time to procure such goods and services.

Section 2

Definitions

As used in this local law, the following terms shall have the following meanings:

- A. "Best Value" means the basis for awarding contracts for services to the offerer that optimizes quality, cost and efficiency, among responsive offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority or women-owned business enterprises as defined in Executive Law §310 subdivisions 1, 7, 15 and 20 to be used in evaluation of offers for awarding of contracts for services. (New York State Finance Law §163 (1)(j))
- B. Factors which may be used to determine "best value" and to award a contract to other than the lowest bidder, are as follows:
1. Cost of maintenance;
 2. Product life;
 3. Warranties;
 4. Past performance, reliability, or durability, and current or past experience with the provision of similar goods/services;
 5. Organization, staffing (particular abilities and/or experience), and ability to undertake the type and complexity of the work;
 6. Financial capability;
 7. Record of compliance with all federal, state and local laws, rules, and licensing

requirements; or

8. Ability to meet County needs in a timely and accountable fashion.

C. “Lowest Price” means the basis for awarding contracts for commodities among responsive and responsible offerers. (New York State Finance Law §163(1)(i))

D. “Procurement Record” means documentation of the decisions made and the approach taken in the procurement process. (New York State Finance Law §163(1)(f))

Section 3

Best Value Award Methodology Requirements

Where the basis for an award of a purchase contract will be the best value offer, the purchaser shall, in all instances:

- A. Document in the procurement record as a component of the competitive award process and in advance of the initial receipt of offers, the determination of the evaluation criteria, which, whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- B. The solicitation shall prescribe the minimum specifications or requirements that must be met in order to be considered responsive and shall describe and disclose the general manner in which the evaluation and selection shall be conducted. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the County in its determination of best value.
- C. Select a formal competitive procurement process in accordance with New York State General Municipal Law and other state law and the guidelines established under Cortland County’s Purchasing Policy and document the determination in the procurement record. The process of selection shall include, but may not necessarily be limited to:
 - 1. a clear statement of need;
 - 2. a description of the required specifications governing performance and related factors;
 - 3. a reasonable process for ensuring a competitive field;
 - 4. a fair and equal opportunity for offerers to submit responsive offers;
 - 5. a balanced and fair method of award.
- D. Where the basis for the award is best value, documentation in the procurement record shall, where practicable, include a quantification of the application of the criteria to the rating of proposals and the evaluation results, or, where not practicable, such other justification which demonstrates that best value will be achieved. Each individual purchaser (County Department) shall maintain and retain all documentation used in the award process.
- E. The determination to award a contract on the basis of best value shall be made by the

Cortland County Legislature. Such determination shall include the specific criteria applied in determining best value which shall reflect, wherever possible, objective and quantifiable analysis. The Legislature should use a cost-benefit analysis or other similar process to demonstrate quantifiable value or savings from non-price factors that offset the price differential of lower price offers.

F. In the event that no best value election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing required security.

G. This local law does not apply to purchase contracts for the following:

- (i) Any purchase contract necessary for the completion of a public works contract pursuant to Article 8 of the New York State Labor Law; and
- (ii) Any purchase or procurement of goods and/or services otherwise excluded by law from best value purchasing standards, whether now existing or hereafter arising.

Section 4

Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5

Effective Date

This local law shall take effect immediately upon adoption by the Cortland County Legislature and filing with the New York State Secretary of State.

STATE OF NEW YORK) SS: COUNTY OF CORTLAND)

This is to certify that I, the undersigned, Clerk of the Cortland County Legislature, have compared the foregoing copy with the original now on file in this office, and that the above actions were passed by the Cortland County Legislature on the 28th day of January, 2016 and that the same is a correct and true transcript of such actions taken.

IN WITNESS WHEREOF I have hereunto set my hand and the official seal of the CORTLAND COUNTY LEGISLATURE, this 28th day of January, 2016.



Eric J. Mulvihill
Clerk of the Cortland County Legislature

Appendix "C" - Forms

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: _____

Items Requested:	

VENDOR:

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

VENDOR:

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

VENDOR:

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

Cortland County Purchasing Card Request

Please fill in all information as requested.

Employee Name (as it will appear on card): _____

Employee Department: _____

Requested Maximum Single Transaction Limit: \$ _____

Employee Signature Date

Department Head Date

Program Administrator Date

This section for Program Administrator use

Date card received and forwarded to employee: _____

Card Number: _____

Transaction Credit Limit Assigned: _____

Cortland County Purchasing Card
JPMorgan Chase Bank- Visa
Acknowledgment of Card Receipt And Card Holder
Agreement

Please read and sign page two of this form.

Employee Name: _____

Department: _____

Card Number: _____

Transaction limits are: Each \$ _____

You are being entrusted with a CORTLAND COUNTY Purchasing Card issued by Visa through JP Morgan Chase Bank. The card is provided to you to take care of your need to purchase materials for CORLTAND COUNTY. The card may be revoked at any time without your permission. Your signature below indicates that you have read the Purchasing Card Policy manual and will comply with the manual and the terms of this user agreement.

I understand that I will be making financial commitments on behalf of CORTLAND COUNTY and will strive to obtain the best value for CORTLAND COUNTY when making purchases.

This purchasing card is issued in my name. I will not allow any other person to use my assigned card.

I have read the CORTLAND COUNTY Purchasing Card Policy Manual as well as this cardholder agreement, understand them, and I will comply with both. Failure to do so may be considered misappropriation of funds, and may subject me to revocation of card privileges and disciplinary action.

I understand that the policies and procedures related to the Procurement Card Program may be updated or changed at any time. The Card Administrator will notify me of these changes. I agree to and will be responsible for the execution of any program changes.

I will review and approve transactions on a regular basis via the Internet and reconcile my monthly statement.

I will use the card only for authorized purchases.

I will obtain a hard copy receipt from the vendor each time the card is used. When ordering by phone or via the Internet, I will request the vendor provide me with a receipt. If the receipt is lost and cannot be replaced by the vendor, any charges for a copy through JP Morgan Chase Bank will be paid at my expense.

I understand that my card account is subject to internal control reviews and audits to protect the interests of CORTLAND COUNTY and I agree to comply with these reviews and audits.

I am responsible for immediately notifying the JP Morgan Chase Bank, my supervisor and the Program Administrator if the card is lost or stolen. I will complete the Lost or Stolen Card form and submit it to the Program Administrator.

Upon resignation/separation, or the request of my Department Head or the Program Administrator, I will turn in the card to the Department Head.

As I am responsible for all charges on the card, I will reconcile the statement and resolve any discrepancies by either contacting the vendor or JP Morgan Chase Bank.

Employee Signature: _____ Date _____

Program Administrator: _____ Date _____

**CORTLAND COUNTY– Purchasing Card JP Morgan Chase Bank-
Visa Lost/Stolen Card Notification Form**

Name of Cardholder: _____

Cardholder Account Number _____

I certify that my Visa card has been lost/stolen. I first noticed it was missing on (Date). I have called JP Morgan Chase Bank at 1-800-270-7760 and have also spoken with my Department Head to notify them that the card is lost/stolen so that no more charges may be made on it.

Cardholder Signature _____

Department Head Signature _____

Upon completion of this form please fax it directly to the Program Administrator @ 607-753-5049