

TIOGA COUNTY PROPERTY DEVELOPMENT CORPORATION
PROCUREMENT POLICY

Section 1. Purpose and Authority

1.1 The purpose of this document is to outline the Procurement Policy (“Policy) of the Tioga County Property Development Corporation (hereinafter referred to as the “TCPDC”).

1.2. The provisions in this Policy shall apply to the procurement of goods and services paid for by the TCPDC for its own use and account and in accordance with New York Public Authorities Law section 2824(1)(d).

1.3 The primary objectives of this Policy are to assure the prudent and economical use of public monies in the best interests of the TCPDC, 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.

Section 2. Procedures.

2.1. The TCPDC may, in its discretion, assign contracts for supervision and coordination to the successful bidder or proposer for any subdivision of work. Contracts awarded by the TCPDC shall contain such other terms and conditions as the TCPDC may deem desirable.

2.2 Solicitation Procedures for the Purchase of Commodities, Equipment, Goods or Construction, Demolition, Renovation and Reconstruction Services.

a. Up to \$5,000 per instance – The discretion of the Executive Director, in addition to the Chairperson or the Treasurer

b. Greater than \$5,000 to \$10,000 per instance – Documented verbal quotations or written/fax/email quotations from at least three vendors.

c. Greater than \$10,000 per instance – At least three (3) written quotations shall be required and any contract entered into by the TCPDC shall be approved by resolution of the Board of Directors. Bid award to the lowest bidder who, in the opinion of the Board, is qualified to perform the work required and who is responsible and reliable.

3. Exceptions. Alternative proposals or quotations shall not be required for procurements made through or with respect to:

3.1 New York State, Tioga County or participating Municipality Contracts – when the TCPDC is able to procure commodities, equipment, goods or services through New York State, Tioga County or participating Municipality contracts, it is unnecessary to obtain quotations or bids.

3.2. Emergency Procurements – an emergency exists if the delay caused by soliciting quotes would endanger health, welfare, property or development opportunity. Approval of the Treasurer or Chairperson of the TCPDC is necessary, which shall be documented and shall also include a description of the facts giving rise to the emergency;

3.3 Sole Source Procurements – A “sole source” means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to the TCPDC is reasonable;

3.4 Utilities and Affiliate Transactions – The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements;

3.5 Unavailability of three (3) vendors who are able or willing to provide a quote.

4. Basis for the Award of Contracts.

4.1. Contracts will be awarded to the lowest responsible dollar offeror who meets the

specifications therefor, except in circumstances that the TCPDC determines justify an award to other than the lowest responsible dollar offeror. The TCPDC may reject any or all bids or waive any informality in a bid if it believes that the public interest will be promoted thereby. The TCPDC may reject any bid, if, in its judgment, the business and technical organization, plant, resources, financial standing, or experience of the bidder justifies such rejection in view of the work to be performed. [NY N-PCL 1617]. In making any such determination, the TCPDC shall consider relevant factors including, without limitation:

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

5. Documentation

5.1. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.

5.2. For each procurement by the TCPDC, the Treasurer or Chairperson of the TCPDC or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.

5.3 Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.

5.4 Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

6. Minority & Women Owned Enterprises.

6.1 It is the preference of the TCPDC to provide opportunities for the purchase of goods and services from (i) business enterprises located in Tioga County and (ii) certified minority and/or women-owned business enterprises. To that end, the TCPDC will utilize available lists of MBE/WBE firms certified by the State of New York and will solicit quotes and proposals from such businesses by notifying them of opportunities to submit proposals and quotes for goods and services.

7. Effect on Other Procurement Requirements.

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

8. Professional Services.

8.1. Contracts for professional services involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Examples include but are not limited to lawyers, accountants, and engineers. Furthermore, professional service contracts often involve a relationship of personal trust and confidence.

8.2 In the selection of a provider of Professional Services up to \$10,000 per instance, the

discretion of the Treasurer or Chairperson of the TCPDC or authorized designee. In the selection of a provider of Professional Services which exceed \$10,000 the TCPDC shall issue a request for proposals. The TCPDC may exercise its discretion and apply its judgment with respect to any aspect of the RFP, the evaluation of proposals, and the negotiations and award of any contract. The TCPDC may enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals with one or more of the proposers. The TCPDC may select the proposal that best satisfies the interests of the TCPDC and not necessarily on the basis of price or any other single factor. The TCPDC reserves the right to weigh its evaluation criteria in any manner it deems appropriate.

9. Procurement of Insurance.

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

10. Unintentional Failure to Comply.

10.1 The unintentional failure to comply with the provisions of this policy shall not be grounds to void action taken or give rise to a cause of action against the TCPDC or any officer thereof.