



# **PROCUREMENT POLICY**

ADOPTED MARCH 2008

REVISED/APPROVED APRIL 2008; MARCH 2009; MARCH 2015; MARCH 2017; MARCH 2020; MARCH 2022

APPROVED WITHOUT MODIFICATION MARCH 2010; MARCH 2011; MARCH 2012; MARCH 2013; MARCH 2014; MARCH 2016;  
MARCH 2018; MARCH 2019; MARCH 2021; MARCH 2023

## PROCUREMENT POLICY

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It is the policy of the Authority that the purchase of all goods and services shall be in strict conformance to the current year operating budget and the current year capital plan approved by the Board of Directors. In order to insure purchasing practices which provide for the delivery of goods and services necessary for the operation of the Authority, to insure that such goods and services are obtained in a manner that provides the maximum value per dollar spent, to insure that purchasing practices are transparent to public scrutiny, to insure that goods and services are obtained at fair and reasonable prices and that they are obtained whenever possible after consideration of alternative suppliers, the Authority shall follow the procedures set forth herein.

## PROCEDURES

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### Competitive Pricing

All purchases of goods and services, other than the provision of professional services as set forth herein, shall be accomplished as follows:

1. a. All purchases from \$0.01 - \$1,000.00 may be made as “open market” purchases where individual employees designated by the Executive Director and the Comptroller may make such purchases so long as they are in conformance with the budget and based upon the individual employee’s judgment that the purchase is necessary, and it is approved by the supervisor.
- b. All purchases from \$1,000.01 - \$5,000.00 shall be made as “open market” purchases, where individual employees designated by the Executive Director and the Comptroller may make such purchases so long as they are in conformance with the budget and receive the appropriate supervisor’s signature. Quotes will be obtained and recorded when practical and possible using the designated Quote/Requisition form (attached).
2. For all purchases in excess of \$5,000.00:
  - a. Purchases shall be made from the New York State Contract specified vendors; or
  - b. Purchases shall be made through the National Intergovernmental Purchasing Alliance (National IPA) piggyback agreement, or the Sourcewell (formerly National Joint Powers Alliance) piggyback agreement, or the Association of Educational Purchasing Agencies, or other available national piggyback procurement agreement(s) identified by Staff; or
  - c. Purchases shall be made from any New York State Municipal Entity, including School Districts’ contract specified vendors; or
  - d. Purchases shall be made from vendors who will provide goods or services at an equal or lower price than the State contract or County contract price; however, this will require the Authority to seek at least (2) additional quotes; or
  - e. Purchases shall be made following the completion of a competitive bid done pursuant to and in full compliance with Section 103 of NYS General Municipal Law; or

- f. Purchases shall be made following the completion of a request for proposals process done pursuant to and in full compliance with Section 120 (w) of NYS General Municipal Law; all such purchases or work shall be done through an agreement approved or authorized by the Board; or
- g. Purchases shall be made following completion of written quotations from at least 3 vendors obtained in response to a common written specification provided by the Authority to prospective vendors providing the same information, the same time frames for response, and providing for confidential receipt and review by the Authority.
- h. Purchase of goods or services other than pursuant to a-g above or other than pursuant to the procedure for professional services contained herein, shall be made only upon the prior written authorization of the Executive Director and the Comptroller, and such purchase must conform to the approved Authority operating and/or capital budget.

## RECORDS

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All specifications, requests, and submissions made, issued and/or received pursuant to this policy shall be maintained by the Authority and shall be public documents under the New York Freedom of Information Law.

## PROFESSIONAL SERVICES

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This shall include work by attorneys, engineers, accountants, appraisers and other professional consultants. All such work shall be done through an agreement approved or authorized by the Board. Such professional services consultants shall be selected based on careful consideration of experience, credentials, qualifications, availability, proximity, price and other factors deemed relevant by the Authority.

## SOLE SOURCE PURCHASES

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Sole source items are those which perform a certain function for which no other suppliers or manufacturers are known to exist. It is possible that either patents or clearly superior products may perform a function that limits availability to a sole source.

Approval: When the employee determines that only one source exists for a specific item or service, a memorandum to that effect, supported by factual data pertinent to one or more of the "Justifications for Sole Source Purchases" as set forth below, must be prepared by the employee's supervisor along with the completed and signed purchase requisition, both of which must be forwarded to the Executive Director for final approval. All such documentation will be forwarded to the Comptroller and kept on file. Sole source purchases will be reported to the Board on a quarterly basis.

### Justifications for Sole Source Purchases:

1. Compatibility with existing equipment. Information describing equipment the items will be used with and why it must be purchased from one specific manufacturer must be provided in the written justification.
2. Item is needed for immediate delivery. It is the responsibility of the Executive Director or designee to determine the validity of the immediate need and which vendor is best suited to provide immediate delivery. This situation will not be used as justification for sole source purchases unless there is only one vendor who supplies the needed materials or services within the required time frame.

3. Replacement parts are proprietary in nature and are only available from the original manufacturer. This statement may also be valid and necessary in order to preserve warranties. However, if proprietary parts are necessary to preserve a warranty, this should be stated in the written justification. In cases where the warranty is not in question, data must be included to explain why the original supplier's parts are necessary.
4. Services or parts are critically needed to respond to an emergency. Unusual and uncontrollable situations may arise where the public or the Authority would suffer injury if services or parts are not acquired immediately. A compelling emergency may also justify sole source purchases.

## UNAUTHORIZED PURCHASES

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Purchases made outside of the purchasing procedures set forth herein are considered unauthorized purchases.

Unauthorized purchases will be brought to the attention of the Executive Director who will conduct an inquiry into any such purchase. Unauthorized purchases may result in disciplinary measures for any employee making such purchases.

### Examples of Unauthorized Purchases:

1. Order Splitting: The intentional splitting of a known purchase requirement into smaller lots with the intention of spreading the purchase over a period of days, weeks, or months in order to circumvent bidding requirements is strictly prohibited.
2. Personal Purchases: Authority officers, employees, or their families are prohibited from purchasing goods or services for personal uses through any Authority contract.
3. False Pretense: The purchase of any materials or services for personal use under the pretense of the Authority use is strictly prohibited.
4. Unapproved Purchases: Acquiring goods and services without proper authorization is prohibited.
5. Unauthorized Additions to Purchase Orders: The Comptroller should be contacted immediately if additions, deletions or revisions are needed after the purchase order has been issued. Changes not included on the original request will require a new Purchase Requisition and appropriate authorization. Under no circumstances should the purchaser initiate a change to the purchase order directly with the contractor or vendor without the approval of the Comptroller.

## OTHER

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This policy shall be reviewed by the Board of Directors on a yearly basis.