

**EASTERN RENSSELAER COUNTY
SOLID WASTE MANAGEMENT AUTHORITY**

PROCUREMENT POLICY

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; certain municipal hospital purchases: goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. The documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the sources which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts under \$10,000 and public works contracts under \$20,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county pursuant to Section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy:
3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

| <u>Estimated Amount of Purchase Contract</u> | <u>Method</u> |
|--|---|
| \$250 - \$2,999 | 2 verbal quotations |
| \$3,000 - \$9,999 | 3 written/fax quotations or written request for proposals |

| <u>Estimated Amount of Public Works Contract</u> | <u>Method</u> |
|--|---|
| \$250 - \$2,999 | 2 verbal quotations |
| \$3,000 - \$4,999 | 2 written/fax quotations |
| \$5,000 - \$19,999 | 3 written/fax quotations or written request for proposals |

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

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offer. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in its best interest. In the following circumstances it may not be in the best interest of the ERCSWMA to solicit quotations or document the basis for not accepting the lowest bid:
 - A. Acquisition of professional services.
 - B. Emergencies.
 - C. Sole source situation.
 - D. Goods purchased from agencies for the blind or severely handicapped.
 - E. Goods purchased from correctional facilities.
 - F. Goods purchased from another governmental agency.
 - G. Goods purchased from auction.
 - H. Goods purchased for less than \$250.
 - I. Public works contracts for less than \$250.
 - J. Routine office supplies due to the difficulty of projecting need and quantity.
 - K. Purchases under State and County contracts with pre-approval from the ERCSWMA Board.
 - L. Grease & oil for equipment due to lack of storage space.
 - M. Repairs parts due to the difficulty of projecting need and quantity. They shall be purchased at the most convenient dealer based upon time and distance.
 - N. Printing of stationery and envelopes with logo. Current vendor has screening and special order stock.
 - O. Legal Notices.
 - P. Computers and services.
7. This policy shall be reviewed annually by the ERCSWMA Board at its organizational meeting or as soon thereafter as is reasonably practicable.

Adopted this 16th day of May, 2006.