

ULSTER COUNTY RESOURCE RECOVERY AGENCY

Procurement Policy

I. Purpose.

The primary purpose of this Procurement Policy is to acquire work, equipment, material, or supplies from qualified and responsible bidders or proposers for the most reasonable and competitive price in compliance with law and sound business practice. The secondary purpose of this policy is to provide direction to management so that it can implement the procurement policy in an efficient and proper manner.

II. Definitions.

The terms used in this Procurement Policy have the meaning attributed to them in Title 13-G of the Public Authorities Law, and by common practice and usage.

III. Procurement of Work, Material or Supplies in Connection With Construction.

All contracts or orders for work, material or supplies performed or furnished in connection with construction shall be awarded by the Agency pursuant to the resolution of the governing body. Such awards, when applicable, shall be made in accordance with Article 5-A of the General Municipal Law or § 120-w of the General Municipal Law. Prior to entering into any such contract, the Agency shall seek the opinion of the Attorney General with respect to conformance of such contract with the anti-trust laws, and of the Comptroller with respect to conformance to the General Municipal Law. The Agency may execute any contract within 30 days after such opinions are sought whether or not they have been received.

IV. Procurement of Equipment, or Work, Material or Supplies Not in Connection With Construction.

(a) All contracts or orders for equipment, or work, material or supplies not in connection with construction shall be awarded by the Agency pursuant to resolution of the governing body, unless such equipment, or material or supplies is \$10,000 and such work is \$20,000 or less, and funds for such contract or order are appropriated in the Agency's Annual Budget or Capital Plan.

(b) Equipment, or material or supplies not in connection with construction and costing more than \$10,000 and all contracts for work not in connection with construction costing more than \$20,000 shall be publicly bid in accordance with § 103 of the

General Municipal Law.

V. Bid Specifications and Documents.

Bid specifications and bidding documents may be prepared and advertised, where required, without specific prior approval of the governing body provided that funds have been appropriated in the Annual Budget or Capital Plan for the equipment, work, material or supplies to be bid, and engineering services for the development of the specifications and bid documents have been authorized by the governing body. All bid documents shall state clearly that the award of the contract or order which is the subject of the bid shall be made only after approval of the governing body.

VI. Recycling.

(a) All products purchased by the Agency shall be recycled products made with significant recycled content unless the only available product does not contain significant recycled content, and provided reasonable competition among manufacturers of the recycled products can be determined to exist and that the cost of the recycled product does not exceed 10% or, if at least 50% of the secondary materials utilized in the manufacture of that product are generated from the waste stream of New York State, the cost of the recycled product does not exceed 15% of the cost of a comparable product made without significant recycled content. Whenever the Agency purchases printed recycled paper, it shall require that the State recycling symbol or a statement that the document is printed on recycled paper to be placed thereon.

(b) If the Agency develops a detailed list of product specifications, it shall do so in accordance with § 2875-b of the Public Authorities Law.

(c) All providers of work, equipment, material and supplies to the Agency shall be required to adopt and implement a recycling plan as defined in Local Law No. 8 of 1991. All Agency bid documents and procurement documents shall require the bidder or proposer to make an affirmative statement that such a recycling plan has been adopted and is being implemented. The Agency may reject bids or procurement contracts if a recycling plan has not been adopted and is being implemented.

VII. Affirmative Action.

The Agency shall comply with § 2050-v of the Public Authorities Law in connection with all contracts.

VIII. Standardization.

Upon the adoption or resolution by a vote of at least 3/5 of all members of the governing body stating that for reasons of efficiency or economy there is a need for standardization, contracts for a particular type of equipment, material or supplies of more than \$10,000 may be awarded to the lowest responsible bidder for that particular type of equipment furnishing the required security after advertisement for sealed bids as provided in § 103 of the General Municipal Law.

IX. Disqualification of Bidders and Cancellation of Contracts.

The Agency shall comply with §§ 2875, 2876, 2877 and 2878 of the Public Authorities Law in connection with the disqualification of bidders or cancellation of contracts for the reasons set forth in those sections.

X. Letting of Certain Contracts Involving Steel Products.

The Agency shall comply with § 2603-a of the Public Authorities Law relative to the acquisition of equipment, work, material or supplies.

XI. Waiver of Procurement Policy in Certain Cases.

The governing board reserves the right to waive specific requirements of this Procurement Policy in cases in which it determines that the public interest will be served by such waiver. Such waiver can occur only in accordance with law and after adoption of a resolution setting forth the precise reasons therefor adopted by the governing body.

ULSTER COUNTY RESOURCE RECOVERY AGENCY

KINGSTON, NEW YORK

ADDENDUM TO PROCUREMENT POLICY

1. **LIMITATION OF CERTAIN PURCHASES.** The Ulster County Resource Recovery Agency (the "Agency") shall not purchase food or drink (other than bulk 4 gallon bottled water when necessitated by the poor quality of well water at the Agency's facilities). This proscription shall not apply to the reimbursement by the Agency of the costs of food and non-alcoholic drinks (within the limits established by the Agency), incurred by Agency personnel traveling on authorized Agency business, public meetings where Board members are required to have a quorum, safety/training sessions or intra/inter-governmental meetings.
2. **NO CONTRIBUTIONS.** The Agency shall not make contributions of a monetary or in-kind nature to any individual or non-governmental entity, including charities and not-for-profit corporations.
3. **DIVISION OF PURCHASES.** No purchase shall be divided for the purpose of bringing the value of the order down to avoid using more stringent purchasing methods or restrictions, or to avoid statutory competitive bidding requirements.
4. **RECORDS.** Records are to be kept by the Controller of vendor inconsistency and any evidence of unsatisfactory vendor performance during the course of any contract. This procedure should be followed each time a vendor does not perform to the standards of our bid or request for proposal.
5. **PURCHASE OF COMMODITIES, EQUIPMENT OR GOODS UNDER \$5,000**

Where competitive bidding is not required by General Municipal Law 103, the following procurement policy under which, and the manner in which, procurements of commodities shall be made: This adheres to GML Section 104-b.

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| A. \$.00 - \$399.99 | Awarded at the discretion of the Executive Director/Department Manager/Controller. |
| B. \$400.00 - \$999.99 | Awarded at the discretion of the Executive Director. |
| C. \$1,000.00 - \$4,999.99 | Minimum of three vendor submitted by verbal/telephone quotes. Awarded at the discretion of the Executive Director |

6. PURCHASE OF COMMODITIES, EQUIPMENT OR GOODS OVER \$5,000

EQUIPMENT

- D. \$5,000.00 - \$19,999.99 Minimum of three vendor submitted written, e-mail or facsimile price quotes. Awarded at the discretion of the Executive Director.
- E. \$20,000.00 - and over Sealed bids for equipment in conformance with General Municipal Law, Section 103.

PUBLIC WORKS

- F. \$5,000.00 - \$34,999.99 Minimum of three vendor submitted written, e-mail or facsimile price quotes. Awarded at the discretion of the Executive Director.
- G. \$35,000.00 - and over Sealed bids for public works in conformance with General Municipal Law, Section 103.

7. PROCUREMENT CARDS. Credit cards are used as another payment option (i.e. online purchase) and the standard agency procurement procedures apply.

8. EXCEPTIONS TO PROCUREMENT LAWS AND POLICIES

1. "A good faith" effort shall be made to obtain the required number of proposals or quotations. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

"Except pursuant to NYS law, no solicitation of written proposals or quotations shall be required under the following circumstances:

- Emergencies;
- Sole source situations;
- Preferred Source situations, goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Goods or services purchased from another government agency or public jurisdiction within New York State that provides services to municipal governments;
- Goods purchased from surplus government auction;
- Mandates requiring UCRRA to contract with all qualified providers at a rate established by the federal government or New York State.
- Contracts as part of a grant process where the contractor is identified as the provider in the grant application.
- Physicians, attorneys.

- Professional services that require professional methods, character or standards as determined by the Director of Purchasing.

2. PURCHASES FROM OTHER THAN THE LOWEST RESPONSIBLE DOLLAR OFFERER

General Municipal Law Section 104-b, Subdivision 2, paragraph (e) requires that the policies and procedures "require justification and documentation of any contract awarded to other than the lowest responsible dollar offerer, setting forth the reasons such an award furthers the purpose of this section."

Any time a purchase is made from other than the lowest responsible vendor or contractor submitting a quotation or proposal, there must be justification and documentation of the reason why the purchase was in the best interest of UCRRA and otherwise furthers the purposes of GML Section 104-b.

For example, if a vendor submitting the lowest proposal has a history of not making deliveries on time or of delivering goods of inferior quality, such facts might be justification for taking other than the lowest offer, but such decision must be documented with facts, and the vendor must be given an opportunity to be heard as to any objection prior to awarding the contract to a different vendor.

Where formal bidding procedures are not required by laws or regulations, quotations are solicited when possible.

9. "PIGGYBACKING" ON COUNTY OF ULSTER CONTRACTS

The Agency may, with approval of the County of Ulster, "piggyback" on contracts for those commodities, equipment, goods, or public works projects the Agency deems applicable. The procedure shall be as follows:

- A) The Executive Director shall determine if the piggybacking on a County contract is in the best interest of the Agency. If he/she determines it is not in the Agency's best interest, then the procedure reverts to that found in paragraphs numbers 5 and 6 of this addendum.
- B) If the Executive Director determines it is in the best interest of the Agency, then Executive Director proceeds to piggyback on the County's contract, while working with the County to accomplish such end.
- C) At the next monthly Board Meeting the Executive Director informs the Board of Directors as to his/her decision

10. "PIGGYBACKING" ON NATIONAL JOINT POWERS ALLIANCE ("NJPA") AND HOUSTON - GALVESTON AREA COUNCIL ("HGAC") CONTRACTS

The Agency may "piggyback" on contracts for those equipment or goods available under the National Joint Powers Alliance and/or the Houston - Galveston Area Council ("HGAC") whenever the Agency deems it necessary. The procedure shall be as follows:

- A) The Executive Director shall determine if the piggybacking on a NJPA or HGAC contract is in the best interest of the Agency. If he/she determines it is not in the Agency's best interest, then the procedure reverts to that found in paragraphs numbers 5 and 6 of this addendum.
- B) If the Executive Director determines it is in the best interest of the Agency, then Executive Director proceeds to piggyback on the NJPA's or HGAC contract, while working with the NJPA or HGAC to accomplish such end.
- C) At the next monthly Board Meeting the Executive Director informs the Board of Directors as to his/her decision.

11. CONFLICT OF INTEREST

- Subordinates must not participate in any kind of financial relationship with a supervisor, and supervisors must not participate in any kind of financial relationship with a subordinate, such as to purchase or contribute to a supervisor's fundraising or business or provide favors such as borrowing the family speed boat or vacation home, asking subordinates to volunteer, influence political action, or exchange money with a subordinate.
- Do not use Agency equipment or supplies for personal business.
- UCRRA's existing ethics policy is to be adhered to at all times.

- 12. ADDENDUM.** This addendum modifies the UCRRA Procurement Policy. In the case of a conflict between the terms of this addendum and the Procurement Policy, the terms of this addendum shall prevail.

Modified 12/15/09 (Resolution 2156)

Modified 1/17/12 (Resolution 2243)

Modified 5/14/12 (Resolution 2257)

Modified 2/20/13 (Resolution 2288)