

WATERTOWN INDUSTRIAL CENTER LOCAL DEVELOPMENT CORPORATION
PROCUREMENT POLICY

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A. Introduction

1. Scope – In accordance with the Not-For-Profit Corporation Law (the “N-PCL”) and the Public Authorities Accountability Act of 2005, the Watertown Industrial Center Local Development Corporation (the “Corporation”) desires to adopt procurement policies which will apply to the procurement of goods and services to be paid for by the Corporation for its own use and account.
2. Purpose – Pursuant to the N-PCL, the primary objectives of this policy are to assure the prudent and economical use of the Corporation’s monies, 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.

B. Procurement Policy

1. Procedures for the Purchase of Commodities, Equipment or Goods:
 - a. Up to \$1,000 The discretion of the President or Director of Site Facilities.
 - b. \$1001 - \$5,000 Seek and document verbal quotations from at least three vendors.
 - c. \$5,001 - \$25,000 Seek written/fax quotations from at least three vendors.
 - d. Over \$25,000 Issue a Request for Proposals and obtain board approval.
2. Procedures for the Purchase of Construction or other Services:
 - a. Up to \$1000 The discretion of the President or Director of Site Facilities.

- b. \$1,001 - \$5,000 Seek and document verbal quotations from at least three vendors.
- c. \$5,001 - \$25,000 Seek written/fax quotations from at least three vendors.
- d. Over \$25,000 Issue a Request for Proposals and obtain board approval.

3. Basis for selecting contractors or vendors – Contracts and purchase orders will be awarded to the lowest responsible vendor who meets the specifications.

4. Circumstances justifying an Award to other than the Lowest Cost quoted.

- a. Delivery requirements
- b. Quality requirements
- c. Quality
- d. Past vendor performance
- e. The unavailability of three or more vendors who are able 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.

5. Documentation

- a. In instances where quotes are obtained from several vendors, records of the basis for procurement award selection shall be maintained in the procurement file. Such records would include notes of verbal quotes, or copies of written quotes or proposals as appropriate.
- b. For those items not subject to competitive bidding such as professional services, emergencies, purchases under city contracts or procurements from sole sources or single sources, documentation should include a memo to the files which details why the procurement is not subject to competitive bidding and include, as applicable:

- (1) a description of the facts giving rise to the emergency and that they meet the statutory criteria; or
- (2) a description of the professional services; or

- (3) written verification of city contracts; or
- (4) opinions of Counsel, if any; or
- (5) a description of sole source or single source items and how such determinations were made.

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

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. Exceptions to Bidding

- a. Professional Services – This category includes services which require special education and/or training, license to practice or are creative in nature. Examples of professional services are: lawyers, doctors, accountants, engineers, artists, etc.
- b. Emergency Situation – An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or of the citizens. With approval by the President/CEO such emergency shall not be subject to competitive bidding or the procedures stated above.
- c. Resolution Waiving Bidding Requirements – The Corporation may adopt a resolution waiving the competitive bidding requirements whenever it is determined to be impracticable.
- d. Sole Source – Defined as a situation when there is only one possible source from which to procure goods and/or services and it is shown that the item needed has unique benefits, the cost is reasonable for the product offered and there is no competition available. In this situation, a request for a resolution waiving bidding requirements, as described above, is required.
- e. Single Source – Defined as a situation in which, although two or more contractors can supply the required commodities or services, the Corporation, with proper justification, selects one contractor without competitive quotes or proposals due to overriding considerations and for which the reasonableness of cost can be determined.
- f. True Lease – Prices will be obtained through quotations

whenever possible. The award shall be made on the basis of goods and/or services to be provided, ability to meet the specifications desired and price.

- g. Insurance – All insurance policies shall be procured in accordance with the following procedures:
 - (1) Premium less than \$10,000 – documented telephone quotations from at least three agents (if available).
 - (2) Premium over \$10,001 – written quotations/fax or proposals from at least three agents (if available)
- 7. Minority and Women Business Enterprises – It is the goal of the Corporation to provide opportunities for the purchase of goods and services from certified minority and/or women-owned business enterprises (“M/WBE”). To that end, the Corporation shall use its best efforts to solicit bids and proposals from such businesses by utilizing available lists of M/WBE firms certified with the County of Jefferson and/or the State of New York and by notifying them of opportunities to submit proposals and/or bids for goods or services when practical. Such certified M/WBE firms will be provided sufficient time to submit proposals and/or bids in response to any solicitations
- 8. Input from members of the Corporation – Comments concerning the procurement policy shall be solicited from the members of the Corporation from time to time.
- 9. Annual Review – the Corporation shall annually review its policies and procedures.
- 10. Unintentional Failure to Comply – 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 Corporation or any officer thereof.