

MONROE COUNTY PROCUREMENT POLICY

1. Background

This policy has been developed to ensure that Monroe County is in compliance with New York State General Municipal Law concerning the procurement of goods and services as defined herein.

In accordance with New York State General Municipal Law §103, all purchase contracts involving an expenditure of more than \$20,000¹ and all contracts for public works involving an expenditure of more than \$35,000² must be publicly bid. This policy prescribes the manner in which expenditures for purchase contracts and public works contracts not subject to public bidding requirements are awarded, as well as contracts for professional services, which are not subject to public bidding requirements, and which are subject to approval by the County Legislature and/or the County Executive. This policy supersedes any policy previously issued and approved.

2. Guidelines for Securing Competitive Quotations for Purchase and Public Works Contracts

All County employees involved in the procurement process shall follow this policy for all purchase and public works contracts less than the public bidding limits of \$20,000 and \$35,000, respectively.

All purchases of twenty-five dollars (\$25) or less may be made directly with petty cash, subject to the Petty Cash Guidelines established by the Monroe County Controller.

Purchases of items above twenty-five dollars (\$25) up to and including five hundred dollars (\$500), or up to and including one thousand dollars (\$1,000), with the prior approval of the Purchasing Manager, may be made at the discretion of the various departments. The purchase of infrequent and limited services, such as repairs and maintenance, above twenty-five dollars (\$25) up to and including one thousand dollars (\$1,000) may be made at the discretion of various departments. A cost quote(s) shall be obtained before any purchase. This policy recognizes that the benefits of cost savings from competition can be quickly outweighed by the costs inherent in seeking multiple quotations.

For all purchase and public works contracts in excess of \$1,000 and below the public bidding limits, the County will seek to secure at least three (3) legitimate and competitive quotes, and shall make an award based on the lowest responsive and responsible quote. Any deviation from this policy shall have written justification from the Purchasing Manager and shall be included in the procurement record.

3. When Competitive Bidding May Not Apply

In accordance with General Municipal Law, there are instances in which public bidding is not required. These instances include:

- purchases through New York State contracts
- commodity and installation/repair purchases through federal, state, county or political subdivision contracts, provided the contract was competitively bid³
- purchases made by Monroe Community Hospital (MCH) pursuant to Public Health Law
- items to be purchased from a "sole source"
- items procured through a "true lease"
- surplus supplies, materials or equipment purchased from another governmental or public benefit entity
- supplies, materials or equipment purchased from state correctional institutions or from qualified charitable not-for-profit agencies for the blind or disabled
- purchases or public works required in an emergency, subject to the requirements of the emergency purchase order procedures
- standardization of an item as approved by the County Legislature

1 Chapter 56 N.Y. Laws of 2010

2 Chapter 494 N.Y. Laws of 2009

3 Chapter 308 N.Y. Laws of 2012

- energy performance contracts
- professional services contracts

4. **Professional Services**

Professional services are not subject to public bidding requirements but are subject to approval by the Monroe County Legislature and/or the County Executive. Professional Services are services which require special or technical skill, training or expertise that do not readily lend themselves to competitive bidding. General guidelines for determining professional services are as follows:

- a) Whether the services are subject to State licensing or testing requirements;
- b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services;
- c) Whether the services require a relationship of personal trust and confidence between the contractor and municipal officials.

For all professional services agreements less than \$5,000, a Request for Proposal (RFP) is not required but may be used when practical.

For all professional services agreements above \$5,000 and less than \$25,000, an RFP or Request for Qualifications (RFQ) is preferred and should be used when practical. Other forms of soliciting competition, provided they offer an objective basis upon which to award said contracts, may be utilized upon the prior approval of the Purchasing Manager.

For all professional services agreements greater than \$25,000, an RFP or RFQ is required unless waived by the County Executive or her designee. A waiver may be issued only in the event of a public emergency, as defined under General Municipal Law or the New York State Defense Emergency Act. The County Executive or her designee shall notify the Monroe County Legislature within 90 days of the issuance of any waiver.

Professional services contracts in excess of \$5,000 are subject to approval by the Monroe County Legislature.

5. **Vendor Contacts**

A firm, individual or other entity that reviews a County-created public bid document, RFP or RFQ in draft or final form prior to issuance may not submit a response on such subject matter, or serve as a subcontractor or consultant to a responding firm, individual or other entity for the first five years of the contract period.

A firm, individual or other entity, or a subcontractor or consultant thereto, may not have substantive contact with a County employee or officer, but for the Purchasing Manager or his or her designee, concerning the subject matter of a public bid, RFP or RFQ during a restrictive period beginning thirty (30) days prior to the issuance of said public bid, RFP or RFQ and continuing until the selection committee has made a selection or the bid has been opened and the results made public.

No County employee or officer, but for the Purchasing Manager or his or her designee, may have any substantive contact with a responding firm, individual or other entity, or a subcontractor or consultant thereto, concerning the subject matter of a public bid, RFP or RFQ during a restrictive period beginning thirty (30) days prior to the issuance of a public bid, RFP or RFQ and continuing until the selection committee has made a selection or the bid has been opened and the results made public.

Prior to serving on any RFP or RFQ selection committee, all members thereof must affirm in writing that they have had no substantive contact with any responding firm, individual or other entity, or a known subcontractor or consultant thereto, concerning the subject matter of a procurement, for the thirty (30) days prior to the issuance of a RFP or RFQ to the present, and that they will continue to have no substantive contact therewith until the selection committee has made a selection.

Violations of this policy must be reported in writing to the Purchasing Manager by any County employee or officer with knowledge of the violation. Any County employee or officer who violates this policy will be subject to disciplinary action, up to and including, termination of employment.

Violations of this policy by a firm, individual or other entity, or a subcontractor or consultant thereto, may result in the exclusion of any response to a public bid, RFP or RFQ submitted on their behalf and/or debarment from responding to a County-issued procurement process for up to five (5) years. Any contract or agreement entered with a firm, individual or other entity subsequent to a violation of this policy during the procurement process is null and void.

6. **Exception for Federal and State Funding**

Contracts for the procurement of all supplies, services, materials and equipment entered into by Monroe County that involve the expenditure of federal or state funds, shall be conducted in accordance with any mandatory applicable regulations of the funder.

Exceptions to this policy shall only be made upon the written approval of the County Attorney.

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