

TOWN OF ROTTERDAM INDUSTRIAL DEVELOPMENT AGENCY
PROCUREMENT POLICY

A. Introduction

1. Scope – In accordance with Article 18-A of the General Municipal Law (the “GML”), Section 104-b of the GML, and the Public Authorities Accountability Act of 2005, the Town of Rotterdam Industrial Development Agency (the “Agency”) is required to adopt procurement policies which will apply to the procurement of goods and services paid for by the Agency for its own use and account.
2. Purpose – Pursuant to Section 104-b of the GML, the primary objectives of this policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of the Town of Rotterdam, 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.
3. Pursuant to Section 884 of the GML, the Agency is exempt from the public bidding requirements of Section 103 of the GML.

B. Procedures

1. Procedures for the Purchase of Commodities, Equipment, Goods or Services, which are not considered professional services.
 - a. Up to \$1,000 – The discretion of the Chairman/chief executive officer of the Agency or authorized designee.
 - b. Greater than \$1,001 to \$5,000 – Documented verbal quotations from at least three vendors.
 - c. Greater than \$5,001 to \$10,000 - Written/fax quotations from at least three vendors.
 - d. Greater than \$10,001 – Written Request for Proposal.
2. Insurance – All insurance policies shall be procured in accordance with the following procedures:
 - (1) Written quotations/fax or proposals from at least three agents (if available).

3. Exceptions. Alternative proposals or quotations shall not be required for procurements made through:
 - a. through county contracts (see GML §103), or
 - b. through state contracts (see GML §104), or
 - c. State Finance Law Section 175-b (from agencies for the blind or severely handicapped), or
 - d. Correction Law Section 186 (articles manufactured in correctional institutions).

4. Professional Services.

Contracts for professional services involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Examples are: lawyers, doctors, accountants, engineers and artists. Furthermore, professional service contracts often involve a relationship of personal trust and confidence. Therefore, the Agency shall, at a minimum, solicit alternative proposals or quotations by request for proposals, or written or verbal quotations, unless such solicitation of alternative proposals or quotations will not be in the best interest of the Agency.

5. Basis for the Award of Contracts – Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the Agency determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the Agency shall consider relevant factors including, without limitation:

- 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 Agency to consider only one vendor who has previous expertise with respect to a particular procurement.
- g. Whether such offeror is located within the Town of Rotterdam.

6. Documentation
 - a. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.
 - b. For each procurement by the Agency the chief executive officer of the Agency or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.
 - c. Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.
 - d. 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.
7. Input from members of the Agency – Comments concerning the procurement policy shall be solicited from the members of the Agency from time to time.
8. Annual Review – the Agency shall annually review its procurement policies and procedures.
9. Unintentional Failure to Comply – The unintentional failure to comply with the provisions of Section 104-b of the GML shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.