

FULTON COUNTY INDUSTRIAL DEVELOPMENT AGENCY

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**POLICY 05: PROCUREMENT**

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**SECTION 1. PURPOSE AND AUTHORITY.** This Procurement Policy shall govern the procurement of goods and services paid for by the Agency for its own use and benefit. Goods and services shall be procured by the Agency in such a manner so as to assure the prudent and economic use of funds, 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.

**SECTION 2. PROCUREMENT OF GOODS AND SERVICES.** Each procurement by the Agency shall be supported by documentation. When an award is made to other than the lowest responsible party, the determination to make the award must be supported by documentation that justifies the award and documents how the award complies with this Policy and the provisions of Section 104-b of the New York General Municipal Law.

**SECTION 3. PROCUREMENT METHOD.** The following method of procurement shall be used when required by this Policy in order to achieve the highest quality and savings:

<u>Estimated Amount of Purchase</u>	<u>Method Required</u>
\$1,000 - \$1,999	3 verbal or written quotations
\$2,000 and above	3 written/fax quotations

Number of Proposals or Quotations. A good faith effort shall be made to obtain the required number of quotations. If the Agency is unable to obtain the required number of quotations, the Agency will document the attempt made at obtaining the quotations. In no event shall the failure to obtain the quotations prohibit the procurement.

Documentation. Documentation is required for each action taken in connection with each procurement. Documentation and an explanation are required whenever a contract is awarded to other than the lowest responsible bidder. This documentation will include an explanation of how the award will achieve savings or how the bidder was not acceptable. A determination that the bidder is not acceptable shall be made by Executive Director and Agency Counsel.

**SECTION 4. CIRCUMSTANCES WHERE SOLICITATION OF ALTERNATIVE PROPOSALS AND QUOTATIONS ARE NOT IN THE BEST INTEREST OF THE AGENCY.** Pursuant to Section 104-b(2)(f) of the General Municipal Law, this policy may contain circumstances when, or types of procurement for which, in the sole discretion of the members of the Agency, the solicitation of quotations will not be in the best interest of the Agency. In the following circumstances, it may not be in the best interest of the Agency to solicit quotations or document the basis for not accepting the lowest bid:

(A) Professional and Contracted Services: Professional services or services requiring special or technical skill, training or expertise. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgment, integrity, continuity of service and moral worth. Furthermore, certain professional services to be provided to the Agency, e.g., legal and accounting services, impact liability issues of the Agency and its members, including securities liability in circumstances where the Agency is issuing bonds. These qualifications and the concerns of the Agency regarding its liability and the liability of its members are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the Agency shall take into consideration the following guidelines:

- (a) whether the services are subject to state licensing or testing requirements;
- (b) whether substantial formal education or training and experience is a necessary prerequisite to the performance of the services.

Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); service of a physician; technical services of an architect, engineer or land surveyor; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing, or art work; management of Agency-owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing or pre-package software.

(B) Emergency Purchases pursuant to Section 103(4) of the General Municipal Law: Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the public. This section does not preclude alternate quotations if time permits.

(C) Goods or Services Under \$1,000. The time and documentation required to purchase through this Policy may be more costly than the item itself and would therefore not be in the best interests of the Agency. In addition, is it not likely that such minimal contracts would be awarded based on favoritism.

(D) Buy Local. Reasonable preference will be given to making purchase from Fulton County businesses.

**SECTION 5. POLICY REVIEW.** The statute requires that the Policy must be reviewed by the Agency annually. Any amendments will be approved by the Agency's Board of Directors.

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Adopted: September 30, 2008

Procurement Report for Fulton County Industrial Development Agency

Fiscal Year Ending: 12/31/2018

Run Date: 04/12/2019  
 Status: CERTIFIED  
 Certified Date : 03/25/2019

**Procurement Information:**

Question	Response	URL (if Applicable)
1. Does the Authority have procurement guidelines?	Yes	www.fcida.org
2. Are the procurement guidelines reviewed annually, amended if needed, and approved by the Board?	Yes	
3. Does the Authority allow for exceptions to the procurement guidelines?	Yes	
4. Does the Authority assign credit cards to employees for travel and/or business purchases?	No	
5. Does the Authority require prospective bidders to sign a non-collusion agreement?	Yes	
6. Does the Authority incorporate a summary of its procurement policies and prohibitions in its solicitation of proposals, bid documents, or specifications for procurement contracts?	No	
7. Did the Authority designate a person or persons to serve as the authorized contact on a specific procurement, in accordance with Section 139-[(2)](a) of the State Finance Law. "The Procurement Lobbying Act"?	Yes	
8. Did the Authority determine that a vendor had impermissible contact during a procurement or attempted to influence the procurement during the reporting period, in accordance with Section 139-[(10)] of the State Finance Law?	No	
8a. If Yes, was a record made of this impermissible contact?		
9. Does the Authority have a process to review and investigate allegations of impermissible contact during a procurement, and to impose sanctions in instances where violations have occurred, in accordance with Section 139-[(9)] of the State Finance Law?	Yes	

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**Procurement Transactions Listing:**

<b>1.</b>	<b>Vendor Name</b>	Fitzgerald Morris baker Firth	<b>Address Line1</b>	68 Warren St
	<b>Type of Procurement</b>	Legal Services	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Non-Competitive Bid	<b>City</b>	GLENS FALLS
	<b>Award Date</b>	1/1/2018	<b>State</b>	NY
	<b>End Date</b>	12/31/2018	<b>Postal Code</b>	12801
	<b>Fair Market Value</b>	\$8,000.00	<b>Plus 4</b>	
	<b>Amount</b>	\$8,000.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$8,000.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Legal Services

<b>2.</b>	<b>Vendor Name</b>	James Esper Landscape	<b>Address Line1</b>	410 N.
	<b>Type of Procurement</b>	Design and Construction/Maintenance	<b>Address Line2</b>	
	<b>Award Process</b>	Authority Contract - Competitive Bid	<b>City</b>	GLOVERSVILLE
	<b>Award Date</b>	4/10/2018	<b>State</b>	NY
	<b>End Date</b>	12/31/2018	<b>Postal Code</b>	12078
	<b>Fair Market Value</b>		<b>Plus 4</b>	
	<b>Amount</b>	\$10,700.00	<b>Province/Region</b>	
	<b>Amount Expended For Fiscal Year</b>	\$10,700.00	<b>Country</b>	United States
	<b>Explain why the Fair Market Value is Less than the Amount</b>		<b>Procurement Description</b>	Mowing Services

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3.	Vendor Name	West and Company	Address Line1	97 N. Main St.
	Type of Procurement	Financial Services	Address Line2	
	Award Process	Authority Contract - Non-Competitive Bid	City	GLOVERSVILLE
	Award Date	1/1/2018	State	NY
	End Date	12/31/2018	Postal Code	12078
	Fair Market Value	\$9,250.00	Plus 4	
	Amount	\$9,250.00	Province/Region	United States
	Amount Expended For Fiscal Year	\$9,250.00	Country	United States
	Explain why the Fair Market Value is Less than the Amount		Procurement Description	Audit Services

Additional Comments