

**MADISON COUNTY'S
PURCHASING POLICY
AND
PROCEDURES**

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2014

MADISON COUNTY PURCHASING POLICY AND PROCEDURES

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STATEMENT OF INTRODUCTION

Pursuant to General Municipal Law (G.M.L.) Section (§)104-b, "goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys in the best interest of the taxpayers of the political subdivision or district, 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."

To further these objectives and in compliance with G.M.L. §104-b, the Madison County Board of Supervisors, by resolution, has adopted certain internal policies and procedures contained in this manual governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of G.M.L. §103 or of any other general, special or local law.

The purchasing function involves the procurement of commodities and services at the lowest possible cost consistent with the quality needed to meet the required standards of the County. Our goal is the promotion of the County's best interest through intelligent action and fair dealing which will result in obtaining the maximum projected value for each dollar expended.

PURCHASING ETHICS RULES

Purchases shall be made in accordance with all applicable Federal, State and Local Laws Rules and Regulations, including Local law No. 6 of 1990 (A Local Law Relative to the Filing of Financial Disclosure Statements by Certain County Officials and Employees and to a Local Code of Ethics as Authorized by Article 18 of the General Municipal Law and the Municipal Home Rule Law) as amended and Local Law No. 5 (A Local Law Amending LL#2 of 1970 Establishing Standards of Conduct for Officers and Employees of the County of Madison) of 1985 as amended, Article 18 of the G.M.L. (State Conflicts of Interest Law for Municipal Officers and Employees) and Article 1-A of the Legislative Law (Lobbying Act).

DEFINITIONS

‘Alternate Procurement Method’ shall mean those methods of procuring commodities and services identified in **Section 5(II)(E)**, herein below.

‘Best Value’ shall mean the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

‘Board’ shall mean the Madison County Board of Supervisors.

‘Commodity’ or ‘Commodities’ shall mean a goods, and shall include but not be limited to materials, equipment and supply items.

‘Emergency’ under G.M.L. § 103(4), ‘in case of a public emergency arising out of an accident or other unforeseen occurrence of condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants require immediate action’.

‘Equipment’ shall mean a movable or fixed unit of furniture or furnishings, an instrument, a machine, an apparatus, or a set of articles which meets all of the following conditions:

- a. It retains its original shape and appearance in use.
- b. It is non-expendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it rather than replace it with an entirely new unit.
- c. It represents an investment of money which makes it feasible and advisable to capitalize the item.

‘Invoice’ shall mean a formal statement or billing submitted by a vendor showing the amount due and terms of payment for supplies delivered or services rendered.

‘Leases’ shall mean “true leases”, not subject to competitive bidding under G.M.L. §103, and shall include leases of equipment with operators which equipment and operators are under the supervision and control of Madison County. Entry into leases shall not be ‘Purchasing’ or ‘Public Works Contracts’ hereunder.

‘Mandated Sources’ or ‘New York State Preferred Sources’ shall mean those entities selling commodities in the form, function and utility being sought pursuant to §162 of the State Finance Law.

‘Professional Services’ shall mean those services which are provided to the County and which shall be exempt from the competitive bidding procedures as outlined in this policy.

‘Public Works’ shall mean all works constructed for public use, protection, or enjoyment, ordinarily of a fixed nature, such as buildings, docks, canals, waterworks, highways, etc., and shall apply to those commodities or projects involving labor or both materials and labor and shall include such items as construction, paving and repair contracts.

‘Purchasing’ shall mean the act of obtaining commodities or services necessary to carry out a particular function of the County.

‘Purchasing Agent’ shall mean the person or persons designated by the Board to coordinate procurement of necessary commodities and services.

‘Quote’ shall mean an informal notice (usually written) by a vendor setting forth the terms on which he/she will furnish supplies or services to the County.

‘R.F.P.’ shall mean a request for proposals.

‘R.F.Q’ shall mean a request for quotes.

‘Requisition’ shall mean a written request to the Purchasing Agent for one or more commodities or services necessary to carry on or improve a particular function of the County.

‘Requisitioner’ shall mean the official or department head, or the authorized subordinate, initiating a request for commodities or services.

‘Specifications’ shall mean a written description of needed commodities and/or services setting forth in a clear concise manner the performance and/or physical characteristics of the commodities and/or services to be purchased, and the circumstances under which the purchase shall be made.

‘State Contract’ shall mean any contract entered into by the State of New York from which Counties within the State of New York are authorized to make purchases from and pursuant to the terms of said contract.

‘Supply Item’ shall mean any commodity which meets one or more of the following conditions:

- a. It is consumed in use.
- b. It loses its original shape or appearance with use.
- c. It is expendable, that is, if the commodity is damaged or some of its parts are worn out, it is usually more feasible to replace it with an entirely new unit rather than repair it.
- d. It is an inexpensive item, having characteristics of equipment, whose small unit cost makes it inadvisable to capitalize the item.
- e. It loses its identity through incorporation into a different or more complex unit or substance.

‘Vendor’ shall mean a supplier of commodities or services to the County.

PURCHASING POLICY

1. Pursuant to County Law, §625, the Purchasing Agent shall be appointed by the Board of Supervisors for a term for which the membership of such Board appointing him/her was elected. The Purchasing Agent working with the County Administrator will be responsible for reviewing and administering the purchasing program of the County of Madison. The County Administrator in cooperation with the Purchasing Agent shall be responsible for developing and overseeing the purchasing policy to be approved by the Government Operations Committee and ultimately the full Board of Supervisors.
2. The Purchasing Agent shall determine that the necessary commodities and non-professional services are purchased at the lowest possible prices from responsible providers and shall maintain the supporting documentation.
3. Pursuant to G.M.L. §103, all purchase contracts for commodities or non-professional services that involve an expenditure of over Twenty Thousand dollars (\$20,000) and all public works contracts exceeding Thirty Five Thousand dollars (\$35,000) shall be awarded only after public bidding pursuant to law for the solicitation of formal bids, unless purchased under State Contract or other New York State Preferred Sources. Items of a similar nature which are generally handled by one vendor should be grouped together for the purpose of determining whether the limit is exceeded. It is the responsibility of the Department Head to identify the purchases to be made by his/her department in a fiscal year that will exceed the monetary limits stated above and to initiate the competitive bidding process by contacting the Purchasing Agent.
4. The Purchasing Agent or designee is authorized to open and record such bids.
5. Purchases shall be evaluated with attention given to cumulative dollar amounts expended in a commodity in any given fiscal year. When necessary, a canvass of all relevant departments will be conducted to determine the yearly value of a commodity or service. Past history may be taken into consideration when evaluating yearly costs associated with a purchase of a commodity or service. If the cost of a commodity or service is expected to exceed the bid limit, bidding shall take place. This decision shall be made by the Purchasing Agent, with the assistance of the Treasurer, and after consultation with affected Department Heads.
6. It is the responsibility of the Department Head and the County Administrator and/or Purchasing Agent to determine whether it is advantageous to the County to bid any purchase contracts less than these statutory limits.
7. The methods listed herein below shall be the methods used in procuring commodities or services and shall be made in accordance with the procedures set forth herein or by an alternative method authorized by law and approved by the Board of Supervisors.
8. If a commodity or service is available in the form, function and utility as required by the County, then the purchase must be made from New York State Preferred Sources in accordance with GML §104.
9. Items commonly used in the various departments thereof shall be uniform whenever consistent with the operational goals and in the interest of efficiency and economy.

10. The County of Madison will not be deemed responsible for commitments made circumventing these procedures.
11. All purchases shall be made in accordance with State Federal and Local Laws, including but not limited to the Lobbying Act (Legislative Law Article 1-A).
12. Every effort should be made to support private industries and businesses of Madison County, when possible, and so long as such action does not violate Federal Law, State Law, Local Law or County contracts, policies or resolutions.
13. The purchase of products containing recycled material is encouraged whenever its quality is adequate, it is economically and functionally feasible, and it is within State regulations concerning local financial transactions.
14. Determination of vendors from which goods and services shall be leased shall follow the procedures set forth in Purchasing Procedures Section 5.
15. The Purchasing Agent is designated to review the requisition form for completeness and approve or deny the requisitioner's request. Each Department Head shall be responsible for compliance by him/her and his/her subordinates, to the purchasing procedures as herein stipulated and that the items ordered and their subsequent costs are within the budgetary appropriations.
16. Two ethical principles should be observed in all purchasing transactions.

First - Public funds may not be expended for the benefit of any individual outside of normal, customary and approved work related/public purposes. Even funds from private sources, once provided to or accepted by the County, become public funds.

Second - No benefit should inure to any individual as a result of purchases made using public funds regardless of their source; i.e. federal, state or local funds.

It follows from these principles that individuals shall not benefit by receiving goods for personal use through County purchasing action. Additionally no private benefits or items shall be accepted for personal use from vendors doing business with the County. Strict compliance with the Madison County Code of Ethics (Local Law No. 5 of 1985, As amended) regarding gifts and gratuities should be observed.

It shall be the policy of Madison County that the reimbursement for or purchasing of food, food items, beverages or meals for consumption by County employees, County officials, volunteers, guests or private individual using public funds is prohibited except as indicated in the County Travel Policy and Procedures.

Exceptions to the policy. Medical necessity may justify exception to this prohibition of providing food/beverages at county expense. Examples of medical necessity exceptions are a) to provide snack or juice products to immunization clinic clients or blood donors where reactions to treatment may mitigated or avoided by taking food and or drink or b) prenatal clinic clients who may be gestational diabetes and require snacks and fluids

Other exceptions may be justified when the person receiving food/meals at County expense is in the

custody of County officials (e.g. a child custody client) during normal mealtimes or for durations that prevent the individual from taking meals on their own recognizance.

Scheduling of meetings to include mealtimes is, in and of itself, not justification for providing food at county expense. Provisions should be made for attendees to leave the meetings for meals.

In general, approval for providing food/food items or beverages at County expense should be approved in advance by the County Administrator.

PURCHASING PROCEDURES

1. GENERAL

- A. The purchasing procedures employed shall comply with all applicable laws and regulations of the State of New York, including but not limited to the use of prevailing wage rates when applicable and the “Lobbying Act” Article 1A of the Legislative Law, and shall be subject to the approval of the Board.
- B. With the exception of those purchases made under emergency situations only the person designated by the Board of Supervisors as Purchasing Agent or County Administrator may commit the County for a purchase of commodities costing more than One Thousand dollars (\$1,000) Commitment by the County is only valid after a Purchase Order has been authorized and approved. Emergency purchases shall conform to the procedures set forth herein.
- C. The commodities and/or services to be purchased shall be of the quality and in the quantity required to serve the function in a satisfactory manner, as determined by the Requisitioner.
- D. It is the responsibility of the Requisitioner to provide an adequate description of commodities needed in the preparation of their bid specification. The specifications should be written so as not to restrict competition or otherwise preclude the most economical purchase of the required commodities.
- E. Standard supply lists of commonly used commodities and/or non-professional services shall be jointly developed for all categories or groups of supplies by the Purchasing Agent and the appropriate Requisitioners. These lists shall be used as the basis for requisitioning.
- F. When dealing with the procurement of goods and services under a Federal Grant Project, review should be made of the Federal Regulations for Procurement of Goods and Services under Federal Grant Projects which was adopted by the Board of Supervisors by Resolution No. 111 in April, 2007.

2. SPECIFIC PURCHASING PROCEDURES

- A. **Bidding Requirements** (Pursuant to G.M.L. §103(1))

General Provisions:

- i. G.M.L. §103 requires purchases exceeding Twenty Thousand dollars (\$20,000) and public Works contracts exceeding Thirty Five Thousand dollars (\$35,000) be awarded to the lowest responsible bidder after public advertising for sealed bids. (When bidding Public Works Contracts, the Department Head shall verify that prevailing wage rates are used when appropriate.)
- ii. Competitive bidding is required when it is known or can reasonably be expected that the Aggregate amount to be spent on commodities will exceed Twenty Thousand dollars (\$20,000) in a fiscal year. Supply items of a similar nature which are generally handled by one vendor should be grouped together for the purpose of determining whether the limit is exceeded.

- iii. It is the responsibility of the Department Head to identify the purchases to be made by his/her department in a fiscal year that will exceed the monetary limits stated above and to initiate the competitive bidding process by contacting the Purchasing Agent.

Guidelines For Bidding:

- i. Detailed specifications of the desired commodities shall be prepared by the Department Head in conjunction with the County Administrator.
- ii. These specifications shall be submitted to the Purchasing Agent in their draft form. It will be the Purchasing Agent's responsibility to enter these specifications into the County's approved bid document.
- iii. The Purchasing Agent will arrange for the legal notice to be placed in the official newspaper(s) of the County, the cost of which will be charged back to the originating department.
- iv. The Purchasing Agent will also establish a date and time for the opening and reading of the bids as per G.M.L.
- v. Bids will be opened at a public meeting by the Purchasing Agent, assisted by his/her designee. A department representative may be requested to attend the bid opening by the Purchasing Agent.
- vi. Awarding of the bid will take place only after the requesting department and their legislative committee have had time to jointly research the bids to make sure that the bidders have complied with the specifications, that sufficient monies have been appropriated within the department's current budget, and that the G.M.L. has been adhered to. When a low bidder proposes an alternative as "an equal" to that specified, it is the responsibility of the requisitioner to determine whether the proposed substitution is, in fact, an equal.
- vii. The bid will be awarded to the lowest responsible bidder. The rejection of the low bid will be documented by the originating department with an explanation as to the basis for such a rejection and provided to the Purchasing Agent. This documentation shall be maintained in the Purchasing Agent's file.

B. Commodities and Non-Professional Services for Non-Public Works Contracts

- i. Purchases of commodities or non-professional services costing less than One Thousand dollars (\$1,000) do not require a formal quote. However, all requisition must be accompanied by confirming price documentation.
- ii. Purchases of commodities or non-professional services costing more than One Thousand dollars (\$1,000) but less than Three Thousand dollars (\$3,000) requires a minimum of three oral or written quotes, unless an Alternate Procurement Method applies. In the event that, after documented diligent efforts have been made to obtain three oral or written quotes, the requisitioner is unable to obtain the required number of

quotes, a waiver of this requirement can be granted by the Purchasing Agent and/or County Administrator.

- iii. Purchases of commodities or non-professional services costing more than Three Thousand dollars (\$3,000) but less than Twenty Thousand dollars (\$20,000) requires a minimum of three written quotes, unless an alternate purchasing procedure applies. (SEE SECTION 2. E.) In the event that, after documented diligent efforts have been made to obtain three written quotes, the requisitioner is unable to obtain the required number of quotes, a waiver of this requirement can be granted by the Purchasing Agent and/or County Administrator.
- iv. A record of all quotes shall be made and maintained in Munis attached to the electronic purchase file. For oral quotes there shall be a telephone log or written record which shall record the date, commodity or service requested, price quoted, name of vendor, name of vendor's representative making the quote and the name of the person or Purchasing Agent receiving the quote. For written or facsimile quotes Vendors shall provide: date, description of commodity or details of service to be provided, quote, name of vendor, name of vendor's representative. Written quotes may be received by mail, electronic mail or by facsimile.
- v. Department Heads shall only order from a vendor if said vendor has been approved by the Purchasing Agent, or if they are making an emergency purchase. Emergency purchases shall conform to the procedures set forth herein.
- vi. All awards from quotes shall be made to the lowest responsible vendor, unless a valid and acceptable basis for deviation from this rule exists. Purchases made from anyone other than the vendor with the lowest quote shall detail the circumstances and reasons which justify and dictate the basis for such a deviation (e.g. delivery requirements, quality or quantity requirements, known past experience of vendor). All purchases must be reviewed and approved by the Purchasing Agent and shall require a requisition.
- vii. If the Purchasing Agent, with the assistance of the Treasurer, believes that the total cost of the commodities or non-professional services will exceed the minimum monetary threshold established by G.M.L. §103, then the Purchasing Agent shall advise the Department Head of the situation and require the Department Head, in conjunction with other appropriate County personnel if appropriate, to follow the bidding procedures detailed herein.
- viii. All awards from quotes shall be made to the lowest responsible vendor, if possible. Circumstances, which will be documented on the face of the quote form and attached to the electronic requisition in Munis, may dictate purchase from other than the lowest quote (e.g., delivery requirements, quality or quantity requirements, documented past experience of vendor).
- ix. If any department purchases or projects are under bidding limits, but are suspected to exceed the Twenty Thousand dollars (\$20,000) limit on a Countywide basis, discretion shall be used, inquiries made, and if appropriate, the bidding procedure will take effect.

All Non-Public Works Purchase Contracts

Up to \$1,000	No quote necessary but should have confirming pricing
\$1,000 up to \$3,000	3 Oral and/or Written Quote or Approved Waiver
\$3,000 up to \$20,000	3 Written Quote or Approved Waiver
\$20,000 and Over	Formal Bid

C. Commodities and Non-Professional Services for Public Works Contracts

- i. Purchases of commodities or non-professional services costing less than One Thousand dollars (\$1,000) do not require a formal quote. However, all requisition must be accompanied by confirming price documentation.
- ii. Purchases of commodities or non-professional services costing more than One Thousand dollars (\$1,000) but less than Three Thousand dollars (\$3,000) require a minimum of three oral or written quotes, unless an Alternate Procurement Method applies. In the event that, after documented diligent efforts have been made to obtain three oral or written quotes, the requisitioner is unable to obtain the required number of quotes, a waiver of this requirement can be granted by the Purchasing Agent and/or County Administrator.
- iii. Purchases of commodities or non-professional services costing more than Three Thousand dollars (\$3,000) but less than Thirty Five Thousand dollars (\$35,000) requires a minimum of three written quotes, unless an alternate purchasing procedure applies. In the event that, after documented diligent efforts have been made to obtain three oral or written quotes, the requisitioner is unable to obtain the required number of quotes, a waiver of this requirement can be granted by the Purchasing Agent and/or County Administrator.
- iv. A record of all quotes shall be made and maintained in Munis attached to the electronic purchase file. For oral quotes there shall be a telephone log or written record which shall record the date, commodity or service requested, price quoted, name of vendor, name of vendor's representative making the quote and the name of the person or Purchasing Agent receiving the quote. For written or facsimile quotes Vendors shall provide: date, description of commodity or details of service to be provided, quote, name of vendor, name of vendor's representative. Written quotes may be received by mail, electronic mail or by facsimile.
- v. Department Heads shall only order from a vendor if said vendor has been approved by the Purchasing Agent, or if they are making an emergency purchase. Emergency purchases shall conform to the procedures set forth herein.
- vi. All awards from quotes shall be made to the lowest responsible vendor, unless a valid and acceptable basis for deviation from this rule exists. Purchases made from anyone other than the vendor with the lowest quote shall detail the circumstances and reasons which justify and dictate the basis for such a deviation (e.g. delivery requirements, quality or quantity requirements, known past experience of vendor). All purchases must be reviewed and approved by the Purchasing Agent and shall require a requisition.

- vii. If the Purchasing Agent, with the assistance of the Treasurer, believes that the total cost of the commodities or non-professional services will exceed the minimum monetary threshold established by G.M.L. §103, then the Purchasing Agent shall advise the Department Head of the situation and require the Department Head, in conjunction with other appropriate County personnel if appropriate, to follow the bidding procedures detailed herein.
- viii. All awards from quotes shall be made to the lowest responsible vendor, if possible. Circumstances, which will be documented on the face of the quote form and attached to the electronic requisition in Munis, may dictate purchase from other than the lowest quote (e.g., delivery requirements, quality or quantity requirements, documented past experience of vendor).
- ix. If any department purchases or projects are under bidding limits, but are suspected to exceed the Thirty Five Thousand dollar (\$35,000) limit on a Countywide basis, discretion shall be used, inquiries made, and if appropriate, the bidding procedure will take effect.

All Public Works Contracts

Up to \$1,000	No Quote Necessary but should have confirming pricing
\$1,000 up to \$3,000	Oral and/or Written Quote or Approved Waiver
\$3,000 up to \$35,000	Written Quote or Approved Waiver
\$35,000 and Over	Formal Bid

D. REQUISITIONS

Completing and Submitting Requisitions

- i. The proper requisition form shall be completed in Munis. The electronic form shall be submitted electronically to the Purchasing Agent for approval. The requisition must be entered in all capital letters and contain the following information:
 - a. General Description of the items being purchased
 - b. Vendor chosen (if not the lowest priced, a satisfactory written explanation is required)
 - c. Title of the ship to Department
 - d. Quantity of the items being purchased
 - e. Unit Price
 - f. Unit of measure
 - g. Detailed description of the item(s) being purchased beginning with the item number. (ex. 123456 BLUE BIC PENS)
 - h. Current budget line item code
 - i. Contract notation, if applicable, in the additional description field of each line of the requisition
 - i. Attachment(s) with confirming price and/or quote form and /or additional supporting documentation
- ii. Upon electronic approval by the Department Head or his/her designee, the Munis electronic requisition will be turned into a Purchase Order by the Purchasing Agent or his/her designee. The requestor will receive an electronic notification that their PO has

been Approved.

- iii. The requesting department will receive printed purchase orders from the Purchasing Agent and distribute their purchase order to the vendor along with any additional supporting documentation and a W-9 form, if required.
- iv. In the event a quote was required and the lowest vendor was not selected, the requisitioner shall provide a detailed explanation as to why the vendor with the lowest quoted price was not selected. This explanation shall be on a separate sheet if necessary and maintained in the Purchase Agents file. If approved, the requisitioner may then order the items from the chosen vendor.
- iv. When the Department Heads or his/her designee prepare their vouchers for payment, an electronic copy of the original invoice **MUST BE ATTACHED TO THE VOUCHER if available** and submitted electronically to the Treasurer's Office for payment processing and audit by the Board of Supervisors.
- v. If the commodities ordered were taken from a current County bid sheet or from an Alternative Procurement Method, the original voucher and requisition shall contain specific details regarding the purchase (e.g., Bid Award Date or State Contract Number).

Exceptions To The Purchasing System

- i. There are certain expenditures for which the processing of a requisition is unnecessary. "Overpapering" can ruin the effectiveness of the system almost as quickly as non-compliance. The following should be made without requisition:
 - a. Employee expenses such as conference expenses, mileage and other reimbursable expenses in performance of day-to-day duties.
 - b. Reimbursement of petty cash funds.
 - c. Interdepartmental charges (e.g. central services, printing, postage).
 - d. Emergency medical and dental examinations (e.g. Jail, Mental Health, Public Health).
 - e. Contract items in Central Services.
 - f. Professional legal and related services, as required by the County Attorney's Office.

E. Alternative Procurement Methods:

- i. Mandated Sources/Preferred Sources - Mandated procurement sources shall be investigated when commodities and/or services offered by these sources are requested. These sources are referred to as New York State Preferred Sources. A list of the priority between the Preferred Sources should be obtained from the Purchasing Agent, who shall obtain the most recent priority schedule from the Office of General Services. If the commodity or service is available in the form, function and utility as required by the County, then the purchase must be made from the mandated/preferred source. The requisition submission process listed above must be followed.

- ii. State Contract - As an alternative to securing quotes or following the bid procedures identified herein, a Department head may purchase from a State Contract, with approval by the Purchasing Agent, by submitting a requisition as directed herein. The Requisition must contain in the notes of each item a valid state contract number.
- iii. Other County Contracts - As an alternative to securing quotes or following the bid procedures identified herein, a Department head may purchase from a another County's Contract, with approval by the Purchasing Agent, in accordance with the provisions of GML §103(3), when authorized pursuant to the provisions of County Law §408-A(2). Such purchases shall comply with the procedures and terms established by the County from whom said contract was originated. The Requisition must contain in the notes of each item the agency name and contract/bid/reference number.
- iv. Sole Source - When there is only one possible source from which to procure commodities and/or services, thus indicating there is no possibility of competition, the following shall be documented in writing and certified by the Purchasing Agent in addition to a sole source letter from the vendor :
 - a. There is no competition available
 - b. No other commodity and/or service provides substantially equivalent or similar benefits; and
 - c. Considering the benefits received, the cost of the commodity and/or service is reasonable as compared to other commodities and/or service in the marketplace; and
 - d. Unique benefits to the County of commodity and/or service as compared to other commodity and/or service available in the marketplace; and
- v. Second Hand Equipment From Other Governments - Surplus and second-hand supplies, material, or equipment may be purchased without competitive bidding from the Federal Government, the State of New York, or from any other political subdivision, district, or public benefit corporation (G.M.L. §103(6)).
- vi. Leases and Rentals - Prices for Leases and Rentals will be obtained through the use of price quoting as set forth below, with the evaluation of both services and price to determine the successful vendor. All awards from quotes shall be made to the lowest responsible vendor, if possible. Circumstances, which will be documented electronically in Munis in the general notes, may dictate acquisition from other than the low "quoter" (e.g., delivery requirements, quality or quantity requirements, known past experience of vendor, etc.).

Leases/Rentals:

Up to \$1,000	Discretion of Department Head with confirming pricing
\$1,000 up to \$3000	Oral and/or Written Quote
\$3000 up to \$20,000	Written Quote
\$20,000 and over	Formal Bid and Board Approval of Lease In Advance

- vii. Emergency Purchases –
 - a. Any Emergency purchase should be approved by the Department Head, County Administrator and/or Purchasing Agent.
 - b. Once an Emergency purchase has been approved, the following steps should be taken:
 - An authorized purchase order number will be given to the vendor.
 - Within five days all invoices, paperwork, etc. shall be electronically submitted to the Purchasing Agent.
 - c. When it appears that the Purchasing Agent cannot reasonably be notified the purchase may be made, but notification within the five day period shall still be adhered to.
- viii. IT Purchases through Federal Schedule 70 – Pursuant to GML §103 (1-b) local governments can bypass the usual bidding process for IT equipment. They are authorized to purchase information technology and telecommunications hardware, software and professional services through cooperative purchasing permissible pursuant to federal general services administration information technology schedule seventy.
- ix. Piggybacking on Other Government Contracts – Pursuant to GML § 103 (16), local governments are allowed to “make purchases of apparatus, materials, equipment or supplies, or to contract for services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies, as may be required by such county, political subdivision or district thereon through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political Subdivision or district therein if such contract was let in a manner that constitutes Competitive bidding consistent with state law and made available for use by other Governmental entities.”
- x. Purchases Through Other Federal Government Schedules – Pursuant to GML § 104 (2) local governments can bypass the usual bidding process making purchases Through other federal schedules as provided by US General Services Administration.

F. Professional Services

- i. Contracts which require professional methods, character, or standards, fall into the Professional Service contract category. Many of these professional services require a State license to practice or may be creative and specialized in nature. Examples of professional services:
 - Accounting
 - Advertising Agency Promotion
 - Architectural
 - Artwork
 - Computer Software Maintenance Agreements
 - Consultants
 - Design Services
 - Engineering
 - Instructors/Teachers/Training
 - Insurance
 - Legal
 - Medical/Dental Services
- ii. G.M.L. §104 (b) governs the hiring of professionals, such as those outlined above.
- iii. In most instances, the requesting Department Head, County Administrator and/or Purchasing Agent will negotiate between the supplier of services and Madison County and/or a Request for Proposal may not be processed, if it is in the best interests of the County. The Full Board will then vote after committee approval, whether to authorize the Chairman of the Board to enter into any resulting agreement.
- iv. Legal service engagements shall be authorized by the County Attorney in accordance with County Law §501.
- v. The provision of insurance coverage will be investigated, evaluated and negotiated by the County Administrator and Government Operations Committee or their designee.

G. Receiving Of Goods

- i. After merchandise or service is received by the ordering department the following shall take place:
 - a. Each department acknowledges that the goods were received in good condition by writing such on the packing slip. Person receiving the goods must sign and date packing slip. All Packing slips should be scanned and attached to the purchase order in Munis. Packing slips must be maintained by the department, if available.
 - b. Ordering department electronically submits invoice and vouchers to the Treasurer's Office for payment processing and audit by the Board of Supervisors.
 - c. Failure of vendors to make promised deliveries should be reported to the Purchasing Agent for follow up by telephone to local vendors or by telephone and/or mail to out of town vendors.

STANDARDIZATION

- A. G.M.L. §103 (5) states that "Upon the adoption of a resolution by a vote of at least three-fifths of all members of the governing body of a political subdivision or district therein stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of commodities of more than Twenty Thousand dollars (\$20,000) may be awarded by the appropriate officer, Board or agency of such political subdivision or any such district therein, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids therefore in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption."

DISPOSAL OF OBSOLETE AND/OR SURPLUS COUNTY PERSONAL PROPERTY

Pursuant to §215 of the County Law, the Board of Supervisors herein and hereby establishes the following policy and procedures for the authorized disposal of the County's personal property which is declared to be obsolete and/or surplus and is deemed no longer of any use or value to the County by resolution of the Board of Supervisors for items with a replacement value in excess of five thousand dollars (\$5000.00) or more. For items with a replacement value less than five thousand dollars (\$5000.00) the Purchasing Agent will provide a report of the disposition of property. This disposition will conform to the procedures set forth below. Such personal property includes, but is not limited to, office furniture, computer equipment, motor vehicles, machinery and other equipment. The disposal of this property will be handled pursuant to the procedures set forth below.

1. Disposal of items to be declared obsolete and/or surplus personal property items will be referred to the Purchasing Agent by the Department Head to authorize appropriate disposal of the property.
2. If the Purchasing Agent declares the presented item or items NOT to be obsolete and/or surplus personal property, then the requesting department will retain the property for continued use.
3. If the Purchasing Agent declares the presented item or items to be obsolete and/or surplus personal property, then he/she will direct the property to be disposed of by one of the following methods:
 - a. Transfer to another department; or
 - b. For sale to other municipalities, Cities, Towns, Villages, and School Districts; or
 - c. For sale by placing said item or items in a public auction; or
 - d. For sale by reverse bid, in accordance with the bid procedure; or
 - e. For trade-in on the purchase of similar, newer property; or
 - f. For scrap and/or salvage.
4. In the event that the item or items fail(s) to sell, the Purchasing Agent may:
 - a. Designate one of the alternate methods of offering the item or items for sale; or
 - b. Direct the surplus personal property to be destroyed and/or disposed of in an appropriate manner; or with the preferred disposal method being recycling via the Department of Solid Waste; or
 - c. Direct that the property be retained by the department or turned over to another department, as appropriate, where it shall be held and made available for any County purpose.

5. Items to be declared obsolete and/or surplus personal property with an original cost of \$1,000 or more and a useful life of one year or more will be recorded on the County's fixed asset inventory. The fixed asset inventory shall be adjusted to record their disposal.
6. The disposal of computer equipment will be coordinated through the Information Technology Department who will take the necessary steps to insure the removal of any and all County data from the data drives of the equipment before it is sold or otherwise disposed of.
7. Proceeds from sales will be credited to the fund from which the original expense was incurred as directed by the County Treasurer.

Since this is a general policy that may not be applicable to every situation, when appropriate, the County Administrator/Board of Supervisors may override the requirements set forth.

PURCHASING BASED ON BEST VALUE

Declaration of Intent: General Municipal Law §103 requires competitive bidding for purchase contracts and public works contracts and has historically required that such bids be awarded to the lowest responsible bidder whose bid meets the requirements of the specifications for the project. Section 103 was amended to provide that by enacting a Local Law so providing, municipalities may award purchase contracts which would otherwise be subject to the "lowest bidder" rule on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror. The Madison County Board of Supervisors hereby determines that it is in the best interest of the County of Madison and its residents for the Madison County Purchasing Agent (hereafter referred to as "Purchasing Agent") to have the authority to award purchase contracts on the basis of best value. Factors that may be used to enact the "best value" option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder, are:

- (a) lowest cost of maintenance for good(s) or service(s);
- (b) durability of good(s) or service(s);
- (c) higher quality of good(s) or service(s); or
- (d) longer product life of good(s) or service(s)

Authority: The Purchasing Agent may award purchase contracts, including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in State Finance Law §163, to a responsive and responsible bidder or offeror.

- a. Where the basis for award is the best value offer, Purchasing Agent shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- b. Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Purchasing Agent in their determination of best value.

- c. The election to award any such contract on the basis of best value shall be made by the Purchasing Agent in consultation with the Department Head and appropriate Legislative committee. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with the Madison County Purchasing Policy.

Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Revised: Resolution No. 33 dated February 9, 1993
Resolution No. 59 dated March 9, 1994
Resolution No.103 dated May 10, 1994
Resolution No. 74, dated April 10, 2001
Resolution No.140-09, dated April 14, 2009
Resolution No. 197-09, dated May 12, 2009
Resolution No. 314-10, dated October 12, 2010
Resolution No. 159-11, dated May 10, 2011
Resolution No. 58-13, dated March 12, 2013
Resolution No. 195-13 dated July 9, 2013