

# Upper Mohawk Valley Memorial Auditorium Authority



## Procurement Policy

This policy sets forth the principles and procedures of the Upper Mohawk Valley Memorial Auditorium Authority (to be referred to as UMVMAA) to meet the requirements of General Municipal Law, Section 104-b.

### 1. Purpose

Goods and services, which are not required by law to be procured 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 interests of the taxpayers, 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, the UMVMAA is adopting internal policies and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law.

### 2. Determining Whether Procurements are Subject to Formal Bidding

- a. All purchases contracts for commodities or services which can reasonably be expected to exceed TWENTY THOUSAND DOLLARS (\$20,000) during a given fiscal year shall be subject to competitive bidding pursuant to Section 103 of General Municipal Law.
- b. All contracts for public work which can reasonably be expected to exceed THIRTY-FIVE THOUSAND DOLLARS (\$35,000) shall be subject to competitive bidding pursuant to Section 103 of General Municipal Law.
- c. The following types of procurements are not required to be competitively bid under Section 103 of General Municipal Law.
  - i. Purchases made directly from a qualified contract let by: the New York State Office of General Services; any Oneida County agent ;

any preferred source as defined by the State Finance Law; any other qualified Public Authority or qualified Public Benefit Corporation.

- ii. Work or services by utilities regulated by the New York State Public Service Commission, for which the rates charged to customers have been tariffed in accordance with the provisions of Public Service Law.
- iii. Procurement of professional services. For the purpose of this section, professional services shall mean those services involving a relationship of trust and confidence that require specialized skills, use of expert
- iv. Operating Leases. Documentation shall include written quotations and a cost-benefit analysis of leasing versus purchasing.
- v. Insurance. Documentation shall include specifications, awarding resolution, and documented quotations.
- vi. Second-Hand Equipment from Other Governments. Documentation shall include market price comparisons (verbal or written quotations), and name of government.

### 3. **Statutory Exceptions From These Policies and Procedures**

Except for procurements made pursuant to General Municipal Law, Section 103(3) (through county contracts) or Section 104 (through state contracts), State Finance Law, Section 175-b (from agencies for the blind or other severely handicapped, special employment programs for the mentally ill or veteran's workshops), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items expected herein, alternative proposals, written quotations, verbal quotations or any other method of procurement which furthers the purpose of General Municipal Law, Section 104-b.

- a. **Emergency Procurements** – Emergency situation shall mean where purchases/services are needed to remedy a situation that creates a threat to the UMVMAA, public health, welfare or service to any of our functions. The existence of such a situation creates an immediate and serious need that cannot be met through UMVMAA monthly meetings.
  - i. Emergency procurement procedure shall be used by Garden Entertainment, LLC to procure materials and/or services, which are urgently needed on an emergency basis. Prior approval from the majority of the UMVMAA members must be completed before any purchase and/or service.

- ii. Garden Entertainment, LLC would solicit telephone quotes from at least two responsible suppliers and/or service provider, if practical. The lowest responsible quote (including bill of material if applicable or statement of work is needed in writing (fax or e-mail is acceptable)).
- iii. At its next monthly meeting, UMVMAA would then formalize the emergency procurement policy.

#### **4. Non-Bid Procurements**

- a. Garden Entertainment, LLC, or such designee as may be appointed, is authorized to make purchases on behalf of the UMVMAA for commodities, services and professional services valued at ONE-THOUSAND DOLLARS (\$1,000) or less without prior proposals or quotations.
- b. Garden Entertainment, LLC, or such designee as may be appointed, is authorized to make purchases on behalf of the UMVMAA for commodities, services and professional services valued at ONE-THOUSAND DOLLARS (\$1,000) or more, but not to exceed TWO-THOUSAND FIVE HUNDRED DOLLARS (\$2,500) provided there are at least three (3) documented quotes received. The lowest dollar amount from the quotations is then chosen.

#### **5. Documentation For Non-Bid Procurements**

- a. Verbal Quotations: The record should include at a minimum the date of the Quotation, item or service desired, price quoted, name of vendor, and name of vendor's representative.
- b. Written Quotations: Vendors should provide at minimum the date of the quotation, description of items or details of service to be provided, price quotation, and name of contact. Quotations transmitted by telefacsimile or internet are acceptable provided such transmissions include the aforementioned information.
- c. Requests for Proposals: The UMVMAA shall award contracts for professional services only after an appropriate number of professionals are contacted directly asking for the submission of written proposals. Requests for proposals and evaluations of proposals can consider price and other factors such as experience, staffing, and suitability for needs and may include negotiations on a fair and equal basis.

#### **6. Awards to Other Than Lowest Dollar Offerer**

- a. Whenever any award is made to someone other than the lowest dollar offerer, the reasons such an award is to an offerer other than the lowest dollar offerer should be documented as follows.
  - i. A memorandum to the file that details how the award meets the statutory criteria for awards to other than the lowest dollar offerer.
  - ii. Record of vendors contacted and price quotations received.
- b. Any purchase awarded to other than the lowest dollar offerer shall be made only with the prior approval of the UMVMAA.

**7. Items Excepted From Policies and Procedures by UMVMAA**

UMVMAA sets forth the following circumstances when, or types of procurements for which, in its sole discretion, the solicitation of alternative proposals or quotations will not be in the best interest of the UMVMAA.

- a. An emergency where time is a crucial factor.
- b. Procurements for which there are no possibility of competition.
- c. Procurements valued at ONE-THOUSAND FIVE HUNDRED DOLLARS (\$1,500).

**8. Input from Authority Members**

Comments concerning the policies and procedures shall be solicited from authority members of the UMVMAA involved in the procurement process prior to the enactment of the policies and procedures, and will be solicited from time to time hereafter.

**9. Annual Review**

The UMVMAA shall annually review these policies and procedures. The UMVMAA shall be responsible for conducting an annual review of the procurement policy and for evaluation of the internal control structure established to ensure compliance with the procurement policy.

**10. Unintentional Failure to Comply**

The unintentional failure to comply with the provisions of the NYS Authorities ACT shall not be grounds to void action taken or give rise to a cause of action against the UMVMAA or any authority member or employee thereof.