

**TOWN OF CLIFTON PARK INDUSTRIAL
DEVELOPMENT AGENCY PROCUREMENT POLICY**

WHEREAS, Section 104-b of the General Municipal Law (GML) requires every Industrial Development Agency to adopt internal policies and procedures governing the procurement of goods and services not subject to the bidding requirements of GML, Section 103 or any other law, and

WHEREAS, comments have been solicited from those members of the Town of Clifton Park Industrial Development Agency involved in the procurement process,

NOW, THEREFORE, be it

RESOLVED, that the Town of Clifton Park Industrial Development Agency does hereby adopt the following procurement policies and procedures:

GUIDELINE 1. Every prospective purchase of goods or services shall be evaluated to determine if Section 102 of the GML is applicable. Every member of the Town of Clifton Park Industrial Development Agency with the authority to enter into a purchase (hereinafter PURCHASER) shall estimate the cumulative amount of the items of supply, equipment or contractual services needed in a given fiscal year. Such annual estimates shall be forwarded to the Chairman for determining the accumulated annual needs of the Town of Clifton Park Development Agency as a whole for each commodity or contractual service to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

GUIDELINE 2. All purchases of (a) supplies or equipment which will exceed \$10,000.00 in the fiscal year or (b) public works contracts over \$20,000.00 shall be formally bid pursuant to Section 103 of the GML.

GUIDELINE 3. All estimated purchases of:

- * LESS THAN \$10,000 BUT GREATER THAN \$5,000 require a written REQUEST FOR PROPOSALS (RFP) and at least three (3) written/fax quotes from vendor.
- * \$5,000 OR LESS BUT GREATER THAN \$3,000 require an oral request for goods and at least three (3) oral or written quotes from vendors.
- * \$3,000 OR LESS BUT GREATER THAN \$1,000 require an oral request for goods and at least two (2) oral quotes from vendors.
- * \$1,000 OR LESS left to the discretion of the purchaser.

All estimated public works contracts of:

- * LESS THAN \$20,000 BUT GREATER THAN \$10,000 requires a written RFP and written/fax proposals from at least three (3) contractors.
- * \$10,000 OR LESS BUT GREATER THAN \$5,000 requires a written RFP and written fax proposals from at least two (2) oral quotes from contractors.
- * \$5,000 OR LESS BUT GREATER THAN \$1,000 require an oral request for proposals and at least two (2) oral quotes from contractors.
- * \$1,000 OR LESS left to the discretion of purchaser.

Any written RFP shall described the desired goods quantity and particulars of delivery.

The purchaser shall compile a list of all vendors from whom oral or written quotes have been requested and the oral/written/fax quotes which have been received.

All information gathered in complying with the procedures of this GUIDELINE shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract.

GUIDELINE 4. The lowest responsible proposal or quote shall be awarded the

purchase or public contract UNLESS the purchaser prepares a written justification, subject to approval of the Chairman, providing reasons why it is in the best interest of the Town of Clifton Park Industrial Development Agency to make an award to other than the low bidder.

P FACTORS FOR CONSIDERATION IN DETERMINING AWARD:

- ** lowest bidder is not deemed responsible;
- ** availability of product, when essential;
- ** availability of maintenance or servicing, when essential;
- ** transportation and other cost relevant to acquiring goods;
- ** factors set forth in GUIDELINE 6;
- ** local source - if quote received from vendor located within town is within five percent (5%) of lowest quote received.

If any of the FACTORS set forth above are used in determining the award, including the reliability of the lowest bidder, then documentation justifying the judgment made shall be filed with the record supporting the particular procurement.

GUIDELINE 5. A good faith effort shall be made to obtain the required number of proposals or quotes. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

GUIDELINE 6. Except when direct by the Chairman, no solicitation of written or oral proposals or quotations shall be required under the following circumstances:

- o acquisition of professional services;
- * emergencies;
- e sole source situations;
- * goods purchased from agencies for the blind or severely handicapped;
- g goods purchased from correctional facilities;
- * goods purchased from another governmental agency;
- g goods purchased at AUTHORIZED auctions, according to prescribed rules and regulations;
- * goods purchased for less than \$1,000;
- g public work contracts for less than \$1,000.

GUIDELINE 7. This policy shall be reviewed bi-annually by the Clifton Park Industrial Development Agency.

This policy shall become effective December 27, 1996 with copies of this resolution distributed to all members of the Agency.

ROLL CALL VOTE

Ayes:

Noes:

Absent:

DECLARED ADOPTED

(DATE)