

Administration and Oversight
Thursday, December 8, 2022 @ 9:30 AM
Chambers

MINUTES

9:30 AM Call Meeting to Order

Chairman Dave Jones called the meeting to order at 9:35 a.m. in the Board Chambers.

Committee Members present:

Chairman Dave Jones, Supervisor Eve Ann Schwartz, Supervisor Loren Corbin, and Supervisor Melissa During

Others present:

Supervisor Jim Cunningham, Elections Commissioner Laura Martino , Purchasing Agent Laurie Winters, Second Assistant County Attorney Melissa Felton (via Zoom), County Attorney Tina Wayland-Smith (via Zoom), Public Information Specialist Ryan Coe, Clerk to the Board Emily Burns, Executive Assistant to the County Administrator Christine Coe and Confidential Secretary Kristin Guinto

Approval of Minutes

- Approval of Meeting Minutes from 10/25/2022

Motion by Loren Corbin to approved the October 25, 2022 minutes.
Second by Melissa During. The motion was Passed.

Board of Elections:

1. Department Update

Elections Commissioner Laura Martino stated that the write in votes have been certified and submitted with the state. There is a redistricting proposal that is currently being proposed. If this proposal goes through it will change the split districts from 5 to 2 which is more manageable. There is also a proposal for a new registration system. There are three companies who have submitted proposals but only one of them is certified by the state. The second company is seeking certification from the state and the third one has not even begun the process.

Purchasing:

1. Department Update

Purchasing has been working with the County Attorney's Office to make revisions to the Policy and Procedures. This is being presented to be adopted at the next Board Meeting.

Resolutions:

1. Amending Purchasing Policy and Procedures

Motion by Eve Ann Schwartz to Motion. Second by Melissa During.
The motion was Passed.

Other Committee Business

1. Executive Session

Motion by Loren Corbin to Motion to Move into Executive Session at 9:50 a.m.. Second by Melissa During. The motion was Passed.

2. Out of Executive Session

Motion by Loren Corbin to Motion to move out of Executive Session at 10:11 a.m.. Second by Melissa During. The motion was Passed.

3. Board Rules

Supervisor Eve Ann Schwartz requested to review the tabled resolution regarding Changing the Board Rules. It was agreed upon by this committee that rule 9A would remain with the language...
"Resolutions shall not be included in the preferred agenda if they..
Appropriate more than \$100,000 from the Contingent fund or from any fund balance..."

Preferred Agenda

There are no items permissible via Board Rules to be added to the Preferred Agenda.

Next Meeting:

To be scheduled and reviewed during the Reorganization Meeting on January 5, 2023.

Adjourn

Adjourn meeting 10:40 a.m. Motion by Eve Ann Schwartz to Adjourn Meeting.
Second by Loren Corbin. The motion was Passed.

Administration and Oversight
Tuesday, October 25, 2022 @ 1:00 PM
Chambers/ Town of Hamilton Office

MINUTES

1:00 PM Call Meeting to Order

Chairman Dave Jones called the meeting to order at 1:01 p.m. in the Board Chambers and via Zoom at the Town of Hamilton Office.

Committee Members present:

Chairman Dave Jones, Vice Chairwoman Brandee DuBois, Supervisor Eve Ann Schwartz (via Zoom), Supervisor Loren Corbin, and Supervisor Melissa During

Others present:

County Administrator Mark Scimone, Elections Commissioner Laura Martino and Mary Egger, Purchasing Agent Laurie Winters, Second Assistant County Attorney Melissa Felton, Public Information Specialist Ryan Coe, Corporate Compliance Officer Christina Kennedy, Clerk to the Board Emily Burns and Confidential Secretary Kristin Guinto, County Attorney Intern, Hannah Tulchinski

Approval of Minutes

- Approval of Meeting Minutes from 9/27/22

Motion by Brandee DuBois to approved the September 27, 2022 minutes. Second by Melissa During. The motion was Passed.

Board of Elections:

1. Department Update

Elections Commissioner, Mary Egger, stated that the Board of Elections is trying to be proactive in procedures to ensure everything is being handled for this upcoming election properly. Supervisor Schwartz stated she had someone ask if there was enough room in the voting machines/scanners for the write in ballots. Elections Commissioner, Laura Martino stated they will keep an eye on the number of voters. There will be plastic envelopes designated and Bipartisan workers onsite to empty out the write in ballot section and re-seal the machines. The site workers opening the machines will call the County BOE to notify Mary and Laura so they can keep track of this process. They are working to refresh the poll worker trainings to ensure that each worker is up to date on what they can and cannot say and do at the polling sites.

An RFP was just completed and will hopefully go out 1/1/2023 for Voter Registration.

There is a Republican Lawsuit in Saratoga regarding scanning of

Early Election Ballots. We plan to begin scanning on Friday and they will be ready to read on Election Night. The scanner being used for Early Election Ballots is a standalone scanner and not connected to the internet.

2. Discussion on Record Retention Schedule

Election Commissioner, Mary Egger, stated there have been some FOIL requests made and they cannot grant them because the two-year retention period is not up. We have worked with the PIO and the County Attorney to make sure everyone is on the same page. Mary added that with the addition to the County Records Management Coordinator, Matt Shaler, this has made keeping track of the retention cycle more efficient. Second Assistant County Attorney, Melissa Felton stated she has spoken with Matt and Tina and with Matt's schedule we are safe to consider documents disposed of as soon as it hits the shred bins. Matt has identified that the 2020 records will be disposed of as of 11/3/2022 and this election is on 11/8/2022 so they can be taken care of prior to this election. Second Assistant County Attorney, Melissa Felton stated that we have been extremely efficient with our schedule.

Purchasing:

1. Department Update

Purchasing Agent Laurie Winters stated that the Purchasing Office is currently busy with RFP's and the Bids. As Elections Commissioner Laura stated, The Purchasing Office is busy with the Voter Registration RFP, but additionally the Hut Bid and the Reservoir Road Culvert Bid. Laurie also stated she's been working on the rebate for the P-cards and as of 8/28/2022 we are at \$63,973.

Resolutions:

1. Waiving the Rules for Resolutions

Motion by Melissa During to Motion. Second by Brandee DuBois. The motion was Passed.

2. Fixing Time for Holding Meetings During 2023

Motion by Eve Ann Schwartz to Motion. Second by Brandee DuBois. The motion was Passed.

3. Fixing Time and Date to Organize the Board in 2023

Motion by Loren Corbin to Motion. Second by Brandee DuBois. The motion was Passed.

Other Committee Business

Preferred Agenda

It was the consensus of the Committee to allow any eligible resolution from today's meeting to be added to the preferred agenda. All resolutions were voted on and approved by the Committee.

Next Meeting: TBD

At this time there is not a date scheduled. As it gets closer, we will confirm schedules and determine a meeting date.

Adjourn

Motion by Loren Corbin to adjourn at 1:34 p.m.. Second by Brandee DuBois. The motion was Passed.

RESOLUTION NO. _____

AMENDING PURCHASING POLICY AND PROCEDURES

WHEREAS, the Madison County Board of Supervisors has previously adopted a revised Purchasing Policy and Procedure; and

WHEREAS, the current policy requires amendments to comply with procedural changes; and

WHEREAS, the amendments will also increase efficiencies countywide; and

WHEREAS, the Administration and Oversight Committee has reviewed the amendments to the procedures and recommends adoption by the Board of Supervisors;

NOW, THEREFORE BE IT RESOLVED, that the Madison County Board of Supervisors hereby adopts Madison County's Purchasing Policy and Procedures as amended.

Dated: December 15, 2022

David Jones, Chairman
Administration and Oversight Committee

MADISON COUNTY PURCHASING POLICY AND PROCEDURES



Laurie Winters, Purchasing Agent

**Madison County Office Building
P.O. Box 635
N. Court Street
Wampsville, New York 13163**

purchasing@madisoncounty.ny.gov

(315) 366-2247

2022

Resolution No. 92-17, dated March 14, 2017
Resolution No. 643-17, dated December 19, 2017
Resolution No. 18-130, dated April 10, 2018
Resolution No. 18-628, dated December 18, 2018
Resolution No. 19-384, dated July 9, 2019
Resolution No. 21-603, dated December 16, 2021
Resolution No. 22-343, dated August 9, 2022
Resolution No. 22-XXX, dated December 15, 2022

MADISON COUNTY **PURCHASING POLICY AND PROCEDURES**

The Purchasing Office is a central service office for all Madison County departments.

The Purchasing Agent administers and oversees all purchasing functions of the County and is responsible for coordination of purchases made within county departments.

The purchasing policy and procedures manual is intended for use as a guide to county purchasing methods. County employees involved in the purchasing process should be familiar with, and shall adhere to, the policies and procedures set forth in this manual.

The cooperation of all employees is essential if the County is to obtain the maximum value for each tax dollar spent. While this manual does not answer all questions related to purchasing it does provide the foundation for a sound purchasing system.

The material in this manual is reviewed annually and any revisions necessary will be reviewed by the Administration and Oversight Committee and Madison County Board of Supervisors shall have final review and approval.

This manual is effective immediately upon issuance, and supersedes all previous purchasing policy and procedures manuals.

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.

PURPOSE AND APPLICATION

Purpose

The purpose of this Policy is to provide for the fair and equitable treatment of all persons involved in public purchasing with Madison County, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity. 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.

Application

To further our purpose, Madison County has adopted internal policies and procedures contained within this manual, which govern procurement of all goods and services, which are not required to be made pursuant to the competitive bidding requirements of G.M.L. § 103. This Policy applies to contracts for the procurement of all supplies, services, materials, and equipment; as well as professional service contracts entered into by Madison County after the effective date of this policy. It shall apply to every expenditure of public funds by a public agency for public purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal and/or state grant monies or contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal and/or state laws and regulations. Nothing in this policy shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law. The methods listed herein shall be the methods used in procuring commodities and/or services.

PURCHASING POLICY – QUICK REFERENCE SHEET

PLEASE NOTE: This is a summary and is not a complete list of purchasing policies

Commodities and Services:

Less than \$5,000:	One Quote by department
\$5,000 up to and including \$20,000:	Three (3) written or electronic quotes to be obtained: one by department, the others by the Purchasing Office
\$20,000 and up:	Competitively Bid

NOTE: These thresholds are County-Wide over a 12 month period commencing on the date of purchase

Public Works Contracts:

\$10,000 or less:	One Quote
\$10,000 up to and including \$35,000:	Three (3) written or electronic quotes to be obtained: one by department, the others by the Purchasing Office
\$35,000 and up:	Competitively Bid

Exceptions:

- Interdepartmental charges
- Medical and Dental Examinations and Claims
- Assigned council (Council payments)
- Professional legal and related services as required by the County Attorney's office.
- Risk Retention purchases/services

Cooperative contract purchase or piggybacking off another municipality's bid must be submitted through the ticket system along with the justification form for review, prior to a requisition being entered.

Sole Source: must be approved prior to a requisition being created and the form must be filled out and attached in the Purchasing ticket system.

The Purchasing Ticket System must be used for requests of any kind.

When e-mailing the Purchasing Office you must e-mail:
purchasing@madisoncounty.ny.gov

REMINDER – all updates for Purchasing can be found on the Purchasing intranet page.

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IDENTIFICATION OF PURCHASING OFFICE

The centralized purchasing office is comprised of the following services

- Contracts
 - ✓ Review
 - ✓ Posting
- Enterprise Lease Fleet Management
 - ✓ Ordering
 - ✓ Reporting
 - ✓ Review
 - ✓ Tracking
 - ✓ Annual Budget Preparation
- Enforcing Federal Purchasing Regulations
- Grants
 - ✓ Review of guidelines
 - ✓ Enforce purchasing requirements
- Insurance
 - ✓ Review
 - ✓ Tracking
- Prevailing Wage
 - ✓ Tracking
 - ✓ Ordering
 - ✓ Awarding
 - ✓ Collecting Certified Payrolls
 - ✓ Closing
- Printing Requests (Madison-Oneida BOCES)
- Purchasing
 - ✓ Obtaining quotes
 - ✓ Requisition entry
 - ✓ Bid Process
 - ✓ RFP Process
 - ✓ Request for Qualification Process
 - ✓ Request for Information
 - ✓ P-card payments for medical supplies, office supplies, furniture, and as-needed basis
- Purchasing Ticket System
- Surplus
 - ✓ Q-Ware Requests
 - ✓ Tracking/Reporting
 - ✓ Disposal
 - ✓ Offerings
 - ✓ Auction

PURCHASING AGENT AND DEPARTMENT HEAD

Purchasing Agent's Authority and Duties

Principal Public Purchasing Official: Except as otherwise provided herein, the Purchasing Agent shall serve as the principal public purchasing official for Madison County, and shall report directly to the County Administrator. The Purchasing Agent shall be responsible for enforcement and review of this Policy.

Minority Business Officer, Res No. 295-16, dated September 13, 2016.

Duties: Responsible for centralized purchasing for all Madison County Departments with the exception of Facilities, Highway Department, and Sheriff's Office.

Minority Business Officer duties as required, including reporting when necessary.

In accordance with this Policy, the Purchasing Agent or his/her designee shall:

- Annually review the policy with any recommended changes to be reviewed by the County Administrator, approved by the Administration and Oversight Committee and ultimately the Board of Supervisors;
- Determine that requested commodities and non-professional services are purchased at the lowest available price. All supporting documentation must be maintained by the Purchasing Agent;
- Pursuant to G.M.L. §103, all purchase contracts for commodities or non-professional services that involve an expenditure of over \$20,000 and all public works contracts exceeding \$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.
- The Purchasing Agent or designee is authorized to open and record such bids.
- Purchases shall be evaluated with attention given to cumulative dollar amounts expended for 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.

Pursuant to New York State Finance Law 163 Purchasing Service and Commodities, § (6-b) Determination of Threshold Amount. For determination of threshold amount purposes of determining whether a purchase is within the discretionary thresholds established by subdivision six of this section, the

commissioner and state agencies shall consider the reasonably expected aggregate amount of all purchases of the same commodities or services to be made within the twelve-month period commencing on the date of purchase. Purchases of services or commodities shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by subdivision of six of this section. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities or services from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount.

- It is the responsibility of the Purchasing Agent, and County Administrator to determine whether it is advantageous to bid any purchase contracts less than the statutory limits;
- Review the requisition request and complete the process.

Department Head's Duties and Responsibilities:

Duties: It is the responsibility of the Department Head to:

- Identify the purchases to be made by his or her department in a fiscal year that will exceed the monetary limits, pursuant to this policy and G.M.L. § 103.
- Be responsible for compliance by employees within the department and delegate tasks pursuant to purchasing procedure, and that the items ordered and their subsequent costs are within the budgetary appropriations.
- Maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- Contact the Purchasing Agent to initiate a purchase after the annual adopted budget has passed resolution with the Board of Supervisors

Delegation to Other County Officials

With the approval of the County Administrator, the Purchasing Agent may delegate authority to purchase certain supplies, services, equipment, or construction items to other County employees, if such delegation is deemed necessary.

The County Administrator may also delegate oversight to other County employees on specific contractors' performance to ensure actions are being made to comply with the terms and conditions of each contract.

ETHICS OF PURCHASING

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 G.M.L. 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 Madison County) 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).

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.

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.

GUIDELINES FOR BIDDING AND SOURCE SELECTION

General

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 and the New York State Lobbying Act, and shall be subject to the approval of the Madison County Board of Supervisors.

Detailed specifications of the desired commodities and/or services are prepared by the Department Head or his or her designee, and forwarded to the Purchasing Office, three to four weeks prior to the bid opening date requested, along with any bid security or performance bond requirement, and are submitted to the Purchasing Agent in their draft form.

Quality & Quantity: All commodities and services purchased shall be of the quality and quantity required to serve the Requisitioner.

Unnecessary or Duplicative Items: Acquisition must be avoided of unnecessary or duplicative items or services. The procurement or use of local common or shared goods and services is encouraged to avoid duplicative or unnecessary items or services. Procurement of federal excess and surplus property is encouraged to eliminate wasteful spending.

Best Value: The Madison County Board of Supervisors has determined that it is in the best interest of the County and its residents to award bids and purchases on the basis of best value. Best value may be determined by using the following factors: 1) lowest cost of maintenance for goods or services; 2) durability of goods or services; 3) quality of goods or services; and 4) product life of goods or services.

Competition: All procurement transactions must be conducted in a manner providing full and open competition. In order to ensure objective contractor performance and eliminate unfair competition advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include: 1) placing unreasonable requirements on firms in order for them to qualify to do business; 2) requiring unnecessary experience and excessive bonding; 3) noncompetitive pricing practices between firms or between affiliated companies; 4) noncompetitive contracts to consultants that are on retainer contracts; 5) organizational conflicts; 6) specifying only brand name products instead of allowing an equal protect to be offered; 7) and any arbitrary action.

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.

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.

Adequate public notice of the invitation for bids shall be given to ensure sufficient response time prior to the date set for opening of bids, including defined items or services sought. The Purchasing Agent will arrange for a legal notice to be placed in the official newspaper(s) of the County and costs will be charged to the requesting department;

The Purchasing Agent will establish and preside over a date and time for the public opening and reading of the bids;

Procurement by Sealed Bidding

Conditions Used for Sealed Bidding: All contracts of Madison County shall be awarded by sealed bidding and in accordance with G.M.L. § 103, any applicable state or federal requirements, except as otherwise provided by other sections herein. In order for sealed bidding to be feasible, the following conditions should be present:

- The Purchasing Agent has entered these specifications into the County's approved bid document;
- The Purchasing Office uploads the bid documents(s) to the County website and to the Bid Net website. When required, the document(s) are also uploaded to NYS Contract Reporter website.
- One or more responsible bidder(s) are willing and able to compete effectively for the business;
- Federally funded projects, should have two or more responsible bidder(s) that are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If Sealed Bids are used, the Following Requirements Apply:

- Bids shall be accepted without alteration or correction, except as authorized in this policy. Awarding will take place only after the requesting department or his/her designee and their legislative committee, if applicable, has jointly reviewed/researched the bids to make sure that the bidders have complied with the specifications, that sufficient monies have been appropriated within the departments current budget, and that the G.M.L. has been adhered to. A firm fixed contract award will be made in writing to the lowest responsive and responsible bidder, where specified facts such as discounts, transportation cost, and life cycle costs are considered; and
- Bids will be opened publicly by the Purchasing Agent, assisted by her designee. A department representative may be requested to attend the bid opening by the Purchasing Agent.

Modification or Withdrawal of Bids: Modification or withdrawal of inadvertently inaccurate bids may be permitted anytime during the bidding process where found appropriate by the Purchasing Agent. After an award is granted, modification will not be allowed. If a bidder alleges a mistake of material fact was made, the bidder has the burden of clearly and convincingly demonstrating such a mistake was made.

REQUEST FOR PROPOSAL GUIDELINES

General

Request for Proposal (RFP) will be done at the Purchasing Agent's discretion for Professional Services.

Request for Proposal for Real Property Lease will be done when the need arises.

ENVIRONMENTAL CONSIDERATIONS

Sustainable Product Preference

Madison County will incorporate a sustainable product preference in its specifications where practical, economically feasible, and in accordance with both state and federal law. In all cases where environmentally preferable products are of equal cost or value and equal or less life-cycle cost, the most sustainable product will be chosen. The products will be identified based on the following criteria:

- *Recycled Content*: Products containing the greatest percentage of post-consumer recycled materials are preferable, with a goal of purchasing products made from 100% post-consumer materials where practicable;
- *Reusable/Recyclables*: Products that are easily **upgradeable**, reusable, recyclable, or have components that are reusable or recyclable are. These can include products whose manufacturers have established “take-back” programs;
- *Reduction in Fuel Usage*: Consideration will be given to the consumption associated with the transportation of goods, with preference given to the lowest fuel usage available.
- *Toxic Materials and Ingredients*: A preference will be given to products that do not contain toxic materials or use toxic materials during manufacturing process. This includes, but is not limited to, styrene, benzene, PVC, and heavy metals (i.e. mercury, dioxin, others manufactured through bleached paper);
- *Energy Efficient Appliances*: Energy Star or equivalent products and appliances should be purchased when available and where economically practical;
- *Green Cleaning*: Janitorial products certified by Green Seal, EcoLogo or other certification;
- *Wood Products*: Preference will be given to wood products certified by Forest Stewardship Council when available and where economically practical;
- *Paper Products*: Preference will be given to paper products with the best available combination of recycled content, forest management practices, bleaching practices and economic feasibility;
- *Computers and Electronics*: Computers and monitors receiving a minimum bronze rating by EPEAT shall be purchased where available with preference for higher ratings where economically feasible; and
- *Lighting*: preference will be given to LED lighting, or if not available, fluorescent with the lowest possible mercury content.

Each County Department, Board, Agency, and Commission, when considering the order for new products and services will consider the more sustainable product choice over a traditional choice and ensure that all contracts require the use of recycled and environmentally preferable products whenever practical and economically feasible.

Procurement of Recovered Materials

Madison County and its contractors will comply with § 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements set within include procuring only items designated in guidelines of the Environmental Protection Agency at 40 CFR part 247.

QUOTING REQUIREMENTS

Request for Quote

When a department requires materials, supplies, equipment or services, that department should have funds available in the appropriate budget account and a purchase requisition shall be submitted through the MUNIS system, along with one valid quote to support the purchase request.

After receipt of a requisition request, the purchasing office shall seek any remaining price quotations from responsive and responsible vendors. The only exceptions will be preferred source, NYS contract, Other Municipality Contracts, Cooperative Contracts, GSA Contracts, Sole Sources, or an emergency as defined in Subdivision (4) G.M.L. § 103.

Commodities and Services:

Less than \$5,000:	One Quote by department
\$5,000 up to and including \$20,000:	Three (3) written or electronic quotes to be obtained: one by department, the others by the Purchasing Office
\$20,000 and up:	Competitively Bid

NOTE: These thresholds are County-Wide over a 12 month period commencing on the date of purchase

Public Works Contracts:

\$10,000 or less:	One Quote by department
\$10,000 up to and including \$35,000:	Three (3) written or electronic quotes to be obtained: one by department, the others by the Purchasing Office
\$35,000 and up:	Competitively Bid

Preferred Source: Page 24

NYS Contract: Page 25

Sole Source: Approved by Purchasing Agent. Page 26

Emergency Purchases: Page #28

Professional Services: Request for Proposal, Sealed Bid or Negotiated. Page 31

Aggregate Purchases: Items or work of the same or similar nature, which are customarily handled in the marketplace by the same groups of vendors or contractors, should be treated as a single item for the purposes of determining whether the dollar thresholds will be exceeded over a 12 month period commencing on the date of purchase. The dollar thresholds may not be avoided by artificially splitting or breaking up contracts into lesser agreements, or entering into a series of agreements, for sums below the bidding threshold Pursuant to NYS Finance Law 163 § (6-b).

QUOTES FOR COMMODITIES AND NON-PROFESSIONAL SERVICES

General Rules Applying to All Quotes

Purchases of Less than \$5,000: Purchases of commodities or non-professional services costing less than \$5,000 require one quote by department.

- Purchases \$5,000 up to and including \$20,000: Purchases of commodities or non-professional services costing more than \$5,000 up to and including \$20,000 requires a minimum of three written or electronic quotes, unless an alternative procurement method applies. Quotes to be obtained: one by department, the others by the Purchasing Office
- Purchases Over \$20,000: Purchases of commodities or non-professional services costing more than \$20,000, or when it can reasonably be expected that the aggregate amount will exceed \$20,000, requires the use of formal sealed bidding.

Record: A record of all quotes shall be maintained in MUNIS with an attached copy of the electronic requisition.

- Written quotes by vendors must include date, description of commodity and item number or service provided, cost which must include shipping/delivery fee, and name of vendor. When using another County's Bid the quote must state the bid number and the County. Also, a copy of the County bid must be requested.
- Internet quotes are acceptable and should include shipping and handling. The quote must show the website, date, and each individual item with the price, and shipping and handling if applicable.

Approved Vendors: Unless an emergency purchase is being made, all purchases must be made from vendors approved by the Purchasing Agent.

Signature: A quote may be signed by the department head only to accept the quoted dollar amount.

Emergency: Emergency purchases shall conform to the procedures set forth herein, G.M.L. § 103 subdivision 4. In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, material or equipment may be let by appropriate officer, board or agency of political subdivision or district therein.

Lowest Bidder: 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) and be attached to the electronic requisition. All purchases must be reviewed and approved by the Purchasing Agent and shall require a requisition.

Exceeding the Monetary Threshold: 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 follow the bidding procedures detailed herein.

If any department purchases or projects are under bidding limits, but are suspected to exceed the \$20,000 limit, based on a revolving year, on a Countywide basis, discretion shall be used, inquiries made, and if appropriate, the bidding procedure will take effect.

Commodities and Non-Professional Services for Public Work Contracts

Purchases \$10,000 or less: Purchases of commodities or non-professional services costing \$10,000 require one quote by department.

Purchases \$10,000 up to and including \$35,000: Requires 3 written or electronic quotes to be obtained: one by department, the others by the Purchasing Office, unless an alternate procurement method applies. In the event that, after documented diligent efforts have been made to obtain 3 written or electronic quotes, the purchase will be granted at the discretion of the Purchasing Agent or County Administrator.

Purchases Over \$35,000: Purchases of commodities for non-professional services costing more than \$35,000, or when it can reasonably be expected that the aggregate amount will exceed \$35,000, requires the use of formal sealed bidding.

Records: A record of all quotes shall be made and maintained in MUNIS attached to the electronic requisition. 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 fax.

Approved Vendors: Unless an emergency purchase is being made, all purchases must be made from vendors approved by the Purchasing Agent. Emergency purchases shall conform to the procedures set forth herein, G.M.L. §103 Subdivision 4.

Emergency: In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies, material or equipment may be let by appropriate officer, board or agency of political subdivision or district therein.

Lowest Bidder: 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) and be attached to the electronic requisition. All purchases must be reviewed and approved by the Purchasing Agent and shall require a requisition.

CREDIT CARD

Store credit cards shall not be issued to individuals or departments. This includes store credit cards and national bank credit cards. Should the vendor refuse to take a Purchase Order or extend credit without the use of a credit card, arrangements may be available through the Purchasing Department and the Treasurer's Office for the issuing of a check in the exact amount of the Purchase. Call Purchasing for details.

The Treasurer, as fiscal officer of the County, is the only position authorized to enter into a credit card agreement.

Procurement Card Policy

Procurement Cards are issued by name to individual employees and cannot be transferred to, assigned to, or used by anyone other than the designated employee. As the liability for the Procurement Card resides with the County and not the cardholder, use for personal purchases is strictly prohibited.

The Department Card or Cardholder must use the Purchasing Card for legitimate Madison County business. The Purchasing Card may be used for regular purchases such as office, maintenance and supplies, advertising, travel, hotel reservations, conference/seminar registration fees, and fuels.

Purchasing Cards: Purchasing cards may be utilized to make payments for purchases, reoccurring payments, travel, and everyday purchases, and necessary expenses. Purchase cards are governed by the updated Madison County Resolution 22-290, adopted on July 12, 2022 and all county, state, and federal laws and regulations.

- The use of the purchasing cards is highly encouraged as long as there are no fees or increases to our cost.
- Requisitions for a P-card purchase must be created and a purchase order issued prior to the purchase, except in an emergency.
- Each Purchasing Card has the Cardholder's name embossed on it along with Madison County. Use of the Purchasing Card by a Cardholder for a personal purchase and/or for a purchase that the Cardholder had no authority to make is strictly forbidden.
- Continued misuse of the Purchasing Card may result in the card being revoked.

Department Head provides fiscal oversight and management of business operations within his or her department and establishes internal controls for their department's use of the Purchasing Card.

Items commonly used shall be uniform and consistent with operational goals, efficiency and economy.

REQUISITIONS & SPECIFICS FOR PURCHASING

Completing and Submitting Requisitions

Requisitions will be completed by centralized purchasing once the Quote, RFB, or RFP process is complete.

Upon workflow approval by the Department Head or his/her designee, the MUNIS electronic requisition will be converted into a purchase order by the Purchasing Agent or his/her designee.

Invoices: When preparing an invoice for payment, an electronic copy of the invoice and packing slip **MUST BE ATTACHED TO THE AP INVOICE** and submitted electronically to the Finance Office for payment processing and audit by the Finance Office.

Exceptions to the Purchasing System:

Requisitions should not be made in the following circumstances:

- interdepartmental charges
- medical and dental examinations and claims
- assigned counsel
- professional legal and related services, as required by the County Attorney's Office
- Risk Retention purchases/services

IT SERVICES

COMPUTER AND TELECOMMUNICATION

HARDWARE AND SOFTWARE ACQUISITION

The following outlines the acquisition procedure to be followed for the purchase of computer and telecommunication related hardware or software. As always, a purchase assumes that the user has obtained budgetary approval either as a result of the budget process or through the preparation and approval of needs justification and appropriate budget transfer or approval.

The IT Director will discuss the department's needs for the hardware or software requested. The IT Director will also help you to decide on the correct items to request to perform the intended task and how the hardware and software should be implemented.

Only equipment (computer and telecommunication hardware/software) approved by IT will be allowed on the County's network.

General Procedure

The following process has been reviewed by the IT Department and agrees that the following will be the Madison County budget and purchasing process for computer and telecommunication hardware and software. All departments must adhere to the following process.

IT Annual Budget Process

- To ensure compatibility of the intended purchase with other hardware and software in the County, each department must develop, document and review their purchasing plans with the IT Director or designated representative prior to the annual budget.
- All Quotes must come from the IT Director. The use of New York State contracts are allowed. If a RFP is required, specifications must come from the department and IT.
- All budgeted dollars for computer and telecommunications hardware/software must be documented in the annual requested budget review meeting between department heads and IT. The budget for all computer hardware and software will be in the IT budget only. IT will create a project based on your request during this process. If they are not identified in detail, they will be eliminated from the budget.

Hardware/Software Purchase Process

- Department, when ready to purchase the requested hardware/software, will contact the IT Department. A review of the hardware/software need will be discussed to ensure no additional changes are needed since the budgetary process.
- For department IT purchases, once given quotes from IT, the department will enter a Requisition Entry in MUNIS with the provided quote attached.

- Any IT purchases that are made directly by the department (either via P-Card, bid, or the PO process) need to be approved by the IT Director.
- All equipment should be shipped to the IT Department. Once IT has received and verified the items, a schedule for installation will be setup with the department. If the equipment is shipped to the department, department is responsible for verifying items are received (i.e. # of boxes, etc.). Department must contact IT help desk informing of equipment received and to schedule installation.
- Once hardware/software is installed, an inventory will be taken. If the hardware is replacing existing equipment, the old hardware is to be returned to IT for either obsolete status or redeployment in the County.
- After installation of all software, the software license with the license number will be maintained at the IT Department for centralized cataloging.

IT can provide a list of obsolete equipment and non-supported software to inform the departments of hardware/software that should be replaced. This will identify what equipment will be supported by the IT Department after the warranty has expired.

GRANTS

Grants: When applying and receiving grants the Purchasing Office and Finance Office must be notified and sent electronic records. Both offices must have your grant guidelines and award letter or e-mail.

Uniform Administrative Requirements, Cost Principal, and Audit Requirements for Federal Awards (Uniform Guidance)

The Code of Federal Regulations, 2 CFR Part 200 (subparts A-F) "Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards govern federal grants.

All grant monies once received become public funds.

Procurement Requirements

2 CFR § 200.318 General Procurement Standards:

- a. The non-federal entity must use its own documented procurements procedures which reflect applicable, State, Local and tribal laws, and regulations, provided that the procurements conform to applicable federal law and Uniform Guidance
- b. Procurement Procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease vs. purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- c. Enter into state and local intergovernmental agreements or inter-entity agreement where appropriate
- d. Use federal excess and surplus property in lieu of purchasing new equipment and property.
- e. Procurement Record: A procurement record must be maintained for each procurement, including:
 - i. Detail history of the procurement
 - ii. Rationale for method of procurement
 - iii. Selection of Contract type
 - iv. Contractor selection or rejection
 - v. Basis for contract price (it is fair and reasonable)

2 CFR § 200.319 Competition: All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section.

The County will utilize one of the five acceptable procurement methodologies detailed in 2 CFR 200.320, which include:

- a. Micropurchase
- b. Small purchase procedure
- c. Sealed bid
- d. Competitive proposal
- e. Non-competitive proposal (sole-source)

Code of Federal Regulations

Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the County will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The County's established purchase/ contracting thresholds will apply. The County will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

Grant Purchases: must be made prior to the last month of the grant. If a purchase is for office furniture or any IT products, it must be purchased at least three months prior to the expiration of the grant.

ALTERNATIVE PROCUREMENT METHODS

New York State Preferred Sources

Preferred Sources: Procurement sources shall be considered, regardless of the dollar amount, when commodities and/or services are offered in the form, function and utility as required. If there is not a current county bid, the requesting department should check the preferred sources in this order:

- **Corcraft:**

New York State Department of Correctional Services Division of Industries
550 Broadway
Menands, NY 12204
Phone: (518) 436-6321 or 1-(800) 436-6321
Fax: (518) 472-1614 or 1-(800) 898-5895
Website: <http://www.corcraft.org>.

- ***NYS Preferred Source Program for People Who are Blind (NYSPSP):***

136 State St., 2nd Floor
Albany, NY 12207
Phone: (518) 456-8671 or 1-(800) 421-9010
Fax: (518) 456-3587
Website: www.nyspsp.org.

- **New York State Industries for the Disabled, Inc. (NYSID):**

11 Columbia Circle Drive
Albany, NY 12203
Phone (518) 463-9706
Fax (518) 463- 9708
Email: administrator@nysid.org
Website: <http://www.nysid.org>.

PLEASE NOTE: Not all items in the catalogs are approved Preferred Source items or services. Purchasers should confirm with Corcraft, NYSPSP or NYSID prior to purchase that the item has been approved for sale as a preferred source item or service by the State Procurement Council.

NOTE: If, within ten days of the notification, one or more preferred sources submit a notice of intent to provide the service in the form, function and utility required, said service shall be purchased from the preferred source. If more than one preferred source submits a notification of intent and meets the requirements, costs shall be the determining factor for purchase among the preferred sources.

Confirmation must be made to the State Procurement Council, upon order that the item requested is offered by the Preferred Source.

For inquired services, departments are required to provide notification describing requirements and detailed specifications to Preferred Sources. If, within ten (10) days of the notification one or more Preferred Sources submit a notice of intent to provide the service, the service shall be purchased. If more than one preferred source offers notice, the lower price source will be purchased from.

Preferred Source shall apply to the New York State Office of General Services for price review and approval of price on an individual contract basis, unless otherwise indicated on the list. **For additional information, see the NYS Procurement Bulletin-Preferred Source Guidelines.**

Required Procurement Methods with Federal Entities

Methods: Madison County will use sealed bids when procuring. If sealed bids are deemed inappropriate, the County shall use one of the following procurement methods: 1) micro-purchasing; 2) small purchase procedures; 3) competitive proposals; or 4) noncompetitive proposals

State Contracts Method

As an alternative to securing quotes or following the bid procedures, identified herein, a department head may purchase from a state contract by submitting a requisition as here in. The requisition must contain, in the general description a valid New York State contract number. More information can be found at www.ogs.state.ny.us.

New York State contracts may be completed without obtaining a quote, bid, or price comparison if they are deemed in the best interest of the County.

Other Government Contracts Method

Other County Contracts: As an alternative to securing quotes or following the bid procedures identified herein, a department may purchase from another County's contract, with approval from the Purchasing Agent or his/her designee in accordance with the provisions of the G.M.L. §103, County Law § 408-A(2), and G.M.L. §104(2). Such purchases shall comply with the procedures and terms established by the originating County. Requesting another county contract must be stated, within the general description, specifying the agency name and contract/bid/reference number associated and expiration date.

Piggybacking: Pursuant to G.M.L. § 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 the state law and made available for use by other governmental entities" (G.M.L. §103[6]).

Cooperative Purchasing Contracts: A Department must have prior review and authorization from the Purchasing Office to use such contracts before creating a requisition. Part of the review is the justification from the department to utilize the Cooperative Contract form before authorization will be given.

- Please use CoProcure website to search for all cooperative contracts:
<https://www.coprocure.us/>

Any cooperative contract purchase or piggybacking from another municipality's bid must be submitted through the ticket system, Cooperative Contract Purchase for Review, prior to a requisition being entered. Please attach the justification form, which can be found on Purchasing Intranet Page.

Second Hand Equipment: 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]).

Purchases Through Other Federal Government Schedules (GSA) — Pursuant to G.M.L. § 104(2) Local governments can bypass the usual bidding process making purchases through other federal schedules as provided by US General Services Administration.

- *Technology (IT) through Federal Schedule 70:* Local governments may bypass the usual bidding process for IT equipment. Such purchases may include information technology and telecommunications hardware, software, and professional services (See G.M.L. §103[1-b];).
- *Security and Law Enforcement through Federal Schedule 84:* Security and law enforcement equipment such as: alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services may be purchase without the usual bidding process.

Sole Source Procurement

A contract may be awarded without competition when the County Attorney's Office and the Purchasing Agent conducts a good faith review of available resources and the specifications for the particular goods or services, that there is only one source for the required commodity, supply, or service.

When there is only one possible source from which to procure commodities and/or services, indicating there is no possibility of competition, a sole source letter from the vendor shall include reasons that make their products and/or services sole source. **The department must fill out the sole source justification form and attach along with the letter in the Purchasing ticket system.** The Purchasing Office along with the County Attorney's Office will determine that there is no possibility of competition per below. A sole source letter from the vendor shall also include that there is:

- There is no competition available;

- No other commodity and/or service provides substantially equivalent or similar benefits;
- Considering the benefits received, the cost of the commodity and/or service is reasonable as compared to other commodities and/or services in the marketplace; and
- It provides unique benefits to the County as compared to others available.

PURCHASING BASED ON BEST VALUE

Declaration of Intent: G.M.L. §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. § 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.

- 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.
- 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.
- 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.

EMERGENCY PURCHASES

General: Notwithstanding any other provisions of this Policy, the Purchasing Agent, Department Head, and County Administrator may make or authorize others to make emergency procurements of commodities, supplies, and services. In MUNIS under the general notes, type a description of the emergency and/or reason for emergency

Once an Emergency purchase has been approved, the following steps should be taken:

- An emergency requisition/purchase order form, (form is on Purchasing intranet page), shall be used if the Purchasing Agent or designees are unavailable. When the Purchasing Agent or designees are available a requisition/purchase order number will be assigned.
- An authorized purchase order number will be given to the Vendor.
- The department must submit a requisition in Requisition Entry in MUNIS and attach the Emergency Requisition on the next business day.

When it appears that the Purchasing Agent cannot reasonably be notified the purchase may be made, but notification must be done on the next business day.

LEASES AND RENTALS

Real Property Leases

A Request for Proposal will be conducted on an as needed basis and awarded to the highest rated vendor.

Equipment Leases

Price Quoting Method: Prices for leases and rentals will be obtained through the use of price quoting. All awards will be made to the lowest responsible bidder.

- Approval for rentals or leases less than \$5,000: One Quote by department.

Approval for rentals or leases \$5,000 up to and including \$20,000 must contain three (3) written or electronic quotes to be obtained: one by department, the others by the Purchasing Office.

Approval for rentals or leases over \$20,000 requires a formal bid and board approval.

Leases/Rentals:

Less than \$5,000	Discretion of Department Head
\$5,000 up to and including \$20,000	3 Written or electronic quotes. Quotes to be obtained: one by department, the others by the Purchasing Office
\$20,000 and over	Formal Bid and Board Approval of Lease In Advance

GASB 87 Requirements for leasing of County owned property and leasing from vendors for County use

Requirements – The following information must be sent to the Purchasing Office and Finance Office.

- Vendor Name
- Copy of the agreement (anything that states lease on the documentation must be submitted)
- Period of time
- Value even if zero

CONTRACTS AND PROCEDURES

General

Please use the Contract Policy from Res No. 22-???, dated December 15, 2022 for guidance and procedures.

MUNIS Contract Module: Current contracts binding the county and paid through MUNIS will be added into the contract module, even if the contract is on the last year of a multi-year contract.

Procurement Process: All contracts are part of the procurement process and must follow the procurement rules (ex. price confirmation, quotes, RFP, etc.).

Requirement for a contract: A contract is required for any dollar amount for services/maintenance, and professional services, including services such as radio installation, stenographer, etc.

Please see the Contract Policy for more details.

Types of Contracts

Time and Materials Contract: A “time and materials type contract” may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.

Service/Maintenance Contract: A service/maintenance contract is required when work is being performed on County owned properties, regardless of the cost. The term of the contract should be determined based on the nature of the procurement. Further, this type of contract will need to include a prevailing wage rate schedule.

“Value Engineering” Clauses: When appropriate and feasible, value engineering clauses are encouraged in contracts for construction projects of sufficient size.

Public Work Contracts: NYS Dept. of Labor, Article 8 – Public Work, contractors and subcontractors are protected by New York Labor Law to a pay of a wage not less than the prevailing wage and supplements (fringe benefits) in the locality for the craft, trade, or occupation of the service. All public work building service contracts that fall under NYS Dept. of Labor, Article 9 – Prevailing Wages for Building Service Employees, must be in excess of \$1,500 before requiring prevailing wage and certified payrolls.

G.M.L. §103 requires purchases exceeding \$20,000 and public Works contracts, exceeding \$35,000 be awarded to the lowest responsible bidder after public advertising for sealed bids.

Contract Cost and Price

Cost/Price Analysis: A cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold, including contract modifications, must be performed. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, independent estimates prior to bids or proposals need to be calculated.

Profit: Profit will be negotiated as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. Factors to be considered when determining a fair and reasonable profit are: 1) complexity of the work to be performed; 2) the risk borne by the contractor; 3) the contractor's investment; 4) the amount of subcontracting; 5) the quality of its record of past performance; and 6) industry profit rates in the surrounding geographical area for similar work.

Prohibited Methods of Contracting: The prohibited methods of contracting include the cost plus a percentage of cost method and the percentage of construction cost methods.

Professional Service Contracts

All County employees and vendors must abide by of the G.M.L. § 104(b), which governs the hiring of professional services.

All legal services engagements shall further be engaged by the County Attorney in accordance with County Law § 501.

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
- Ambulance Services
- Architectural
- Artwork
- Attorney
- Computer Software Maintenance Agreements
- Consultants
- Dentist
- Design Services
- Engineering
- Instructors/Teachers/Training
- Insurance
- Morticians/Funeral Director
- Physicians
- Surveyor

G.M.L. § 104 (b) governs the hiring of professionals, such as those outlined above. 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.

DIVERSITY IN CONTRACTING

Contracting with small and minority businesses, women's business enterprises, labor surplus area firms, and other diversity groups.

All necessary affirmative steps will be taken to assure that minority businesses, women's business enterprises and labor surplus area firms are used when possible. Affirmative steps include:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in (a) through (e) of this section.

Affirmative steps should be taken to use New York State Certified MWBE and Disabled Veteran's Businesses.

In furtherance of the above steps, every legal effort should be made to support private industries and local businesses of Madison County.

Geographical Discrimination

Procurements must be conducted in a manner that prohibits the use of statutorily or administratively imposed geographical preferences in the evaluation of bids or proposals. Only when contracting for architectural and engineering services may geographic location be used.

CONFLICTS OF INTEREST

General

No employee, officer, or agent may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. Officers, employees, and agents may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

Organizational Conflicts of Interest: Organizational conflicts of interests, because of relationships with a parent company, affiliate, or subsidiary organization, must abide by paragraph 1 of this section.

Public Funds: Public funds may not be expended for the benefit of any individual outside of normal, customary, and approved work related to public purposes.

Purchases shall be made in accordance with all applicable federal, state and local laws, rules, and regulations. Local Law No. 6 of 1990, Local Law No. 5 of 1985, Article 18 of the G.M.L., and Article 1-A of the Legislative Law are to be specifically followed.

REIMBURSEMENTS OR PURCHASES

Reimbursements or Purchases

General: Reimbursement or purchase of coffee makers, water coolers, or any small appliances are not permissible. Water coolers are an exception for the Solid Waste Department. Refrigerators and microwave ovens are an allowable purchase.

Food and Beverage: GSA per diem rates for breakfast, lunch, or dinner apply and must not be exceeded, please see Appendix A. The full per diem rate does not apply.

Approval for food and beverages at County expense should be approved 48 hours in advance by the County Administrator.

- Meetings and trainings for staff on County grounds – one time per department, per year, must be bought within Madison County
- Annual approval for Board of Supervisors, District Attorney, Pathway Recovery Center, and the Children's Advocacy Center
- Annual Employee Recognition
- Hosted Business meetings with external guest(s)
- Board of Elections Food Purchases, must be within Madison County
 - ✓ General Election Day
 - ✓ Primary Election Day

Approval by Chairman of the Board

- Meetings for the Board of Supervisors
- Business exceptions to purchase outside Madison County

Medical Necessity: Medical necessity may justify reimbursements of providing food/beverages at the county expense. Examples of medical necessities are: 1) provide snack or juice to immunization clinic clients or blood donors; and 2) prenatal clinic clients who may have gestational diabetes.

Prevention of Obtaining Food: A person who is in the custody of a County official during normal mealtimes or for duration that prevents an individual from taking meals will be allowed to use County funds. Scheduling of meetings to include mealtimes is not a justification for providing such food. Provisions should be made for attendees to leave the meetings for meals.

Travel Reimbursements: Please see Madison County Travel and Expense Reimbursement Policy & Procedures from December 15, 2022.

RECEIVING OF GOODS

Procedure for Receiving Ordered Goods

Receiving: Each ordering department must ensure that goods were received in perfect condition by signing and dating the packing slip, and confirming all items were received. The packing slips must be scanned and attached during invoice entry under AP Invoice in MUNIS and maintained by the department.

Submission of Invoice: The ordering department must electronically submit the invoice in MUNIS Invoice Entry for payment, processing, and audit. Audit will be conducted by the Finance Office.

Failure to Make Perfected Deliveries: The ordering department shall not accept non-perfected deliveries, unless stated elsewhere in this policy. Failure of vendors to make promised or perfected deliveries should be reported to the Purchasing Office for follow-up inquiries.

DISPOSAL OF OBSOLETE AND/OR SURPLUS COUNTY PROPERTY

General

Property owned by Madison County that may be considered obsolete or surplus can include, but not limited to, office furniture, computer equipment, motor vehicles, machinery, and other equipment.

Grant Items: If items are bought with grant money, once given approval to dispose of, will follow the same procedures in this policy to dispose or surplus the items. If at the time of purchase there are special requirements as to how items are disposed, the requirements be attached to the original purchase of the items

Procedure: The disposition will conform to the following procedures:

Departments must complete a ticket in the Purchasing Ticket System/Surplus.

- Items must get authorized by the Purchasing Agent to be deemed obsolete or surplus; If the items are declared to not be obsolete or surplus, then the requesting department will retain the property for continued use;
- If the items are declared to be obsolete or surplus, then the property will be disposed of by one of the following methods:
 - transfer to another department; or
 - for sale to other municipalities, cities, towns, villages, or school districts; or
 - for sale by placing the item(s) in public auction; or
 - for sale by reverse bid, in accordance with the bid procedure; or
 - for trade-in on the purchase of similar, newer property; or
 - for scrap and/or salvage; or

Purchasing will complete the Q-Ware Ticket for maintenance to remove the item(s)

Items offered to Municipalities: In the event that items have been presented to other municipalities, cities, towns, villages, or school districts the items will be available for purchase for 30 days from the date of the email, on a first come first serve basis. Any items left after the 30 days will be put out to a public auction.

Items Fail to Sell: In the event that item(s) fail(s) to sell, the Purchasing Agent may designate one of the alternate methods of offering the item(s) for sale or direct the item(s) to be retained, destroyed, recycled, or disposed.

Disposal of Computer Equipment: the disposal of computer equipment will be coordinated with the Information Technology Director. All County data from the data drives and equipment must be removed before it is sold, recycled or disposed.

Proceeds from Sale: Proceeds will be credited to the fund from which the original expense was incurred, as directed by the County Finance Office.

Trade-in/Buy-Back Program: Allow the usage of a Trade-in/Buy-Back Program for Madison County equipment with the approval of the Administration and Oversight Committee. The trade-in value must be higher than comparable surplus value.

Leased Vehicles/Existing Vehicles: Allows Enterprise Fleet Management to sell our leased and currently owned vehicles for the best value to the County.

Items with Value Less Than \$20,000

Items with a replacement value or useful life of one year or more and less than \$20,000 will be provided in a report by the Purchasing Agent.

Items with Value in Excess of \$20,000

County personal property with value in excess of \$20,000, which is declared to be obsolete and/or surplus and is deemed no longer of use or value, a resolution is required for the Board of Supervisors approval.

An annual resolution must be completed for budgeted replacement equipment.

FEDERAL CONTRACT REVIEW

Federal Awarding Agency or Pass-Through Entity Review

Availability of Review: Madison County will make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review can take place prior to the time the specification is incorporated into a solicitation document. However, Madison County reserves the right to have the review accomplished after a solicitation has been developed.

Madison County will make available upon request, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates when:

- Procurement procedures or operation fails to comply with standards set herein;
- The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
- The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a brand name product;
- The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded other than apparent low bidder under sealed bid procurement; and
- A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

Madison County may request that its procurement system be reviewed by the Federal awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis.

Madison County may self-certify its procurement system. Under the self-certification procedure, the Federal awarding agency may rely on written assurances from the County that it is complying with these standards. In doing so, the county must cite specific policies, regulations, or standards as being in compliance with requirements.

For construction or facility improvement contracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency may accept the bonding policy and requirements of the County. Requirements for this policy include: 1) a bid guarantee, consisting of a bid bond or certified check, from each bidder equivalent to five percent of the bid price; 2) a performance bond on the part of the contractor for 100 percent of the contract price; or 3) a payment bond on the part of the contractor for 100 percent of the contract price.

COUNTY LIABILITY

Liability

Madison County alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include but are not limited to, source evaluation, protests, disputes, and claims.

Madison County will not be deemed responsible for commitments made circumventing the procedures set forth herein.

SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Policy 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 Policy 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.

GLOSSARY

Alternate Procurement Method shall mean those methods of procuring commodities and services identified on page 14, herein below.

Best Value The basis for awarding contracts for services to the offeror which optimizes quality, cost and efficiency, among responsive and responsible offerors. Such basis shall reflect, wherever possible, objective and quantifiable analysis.

Blanket Requisition A requisition a department makes for a specific period of time. Example, monthly, quarterly, annual.

Board The Board of Supervisors for Madison County.

Commodity or **Commodities** Includes, but is not limited to, materials, equipment, and supply items.

Emergency Purchases "In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, emergency purchases require immediate action which cannot await competitive bidding, contracts for public work or the purchase of supplies material or equipment may be let by appropriate office, board or agency of political subdivision or district therein (G.M.L. § 103[4]).

Equipment 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:

1. it retains its original shape and appearance in use;
2. 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; and
3. it represents an investment of money which makes it feasible and advisable to capitalize the item.

Invoice A formal statement or billing, submitted by a vendor, showing the amount due and terms of payment for supplies delivered or services rendered.

Leases "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."

New York State Preferred Sources Those entities selling commodities/services in the form, function, and utility being sought pursuant to §162 of the State Finance Law.

GLOSSARY (CONTINUED)

MUNIS Madison County's purchasing and financial software system.

Must = Requirement

Prevailing Wage Rate Schedule New York State rate of pay that contractors and vendors must offer their employees when providing services for a government agency.

Procurement by Competitive Proposals A technique normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. This is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply: 1) requests must be publicized and identify all evaluation factors and their importance; 2) proposals must be solicited from an adequate number of qualified sources; 3) written method for conducting technical evaluations of the proposals received and for selecting recipients; and 4) contracts must be awarded to the responsible firm whose proposal is most advantageous.

Procurement by Micro-Purchases The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.

Procurement by Noncompetitive Proposals Procurement through solicitation of a proposal from only one source when the item is available from one source, public emergency, authorized by federal agency, or competition is inadequate.

Procurement by Small Purchase Procedures Those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. Price or rate quotations must be obtained from an adequate number of qualified sources.

Professional Services provided to Madison County that are exempt from the competitive bidding procedures as outlined in this policy. Services that require state license to practice and may be creative and specialized in nature.

Public Works 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 The act of obtaining commodities or services necessary to carry out a particular function of the County.

Purchasing Agent The person designated by the County Administrator to coordinate procurement of necessary commodities and services.

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

GLOSSARY (CONTINUED)

RFP (Request for Proposal) A detailed written invitation used as a means of obtaining professional services where price and other factors such as experience, staffing, and other professional reputation are evaluated and considered and is not subject to competitive bidding requirements. Cost is not the primary deciding factor.

RFQ (Request for Qualification) A detailed written invitation used to request qualifications for professional services.

Requisition A request to the Purchasing Agent or designee for the purchase of commodities or services necessary.

Requisitioner The official or department head, or the authorized subordinate, initiating a request for commodities or services.

Service/Maintenance Contract An agreement between a vendor and Madison County when a service or maintenance is requested.

Should = Best practice, suggestion, recommendation.

Simplified Acquisition Threshold A contracting method which seeks to reduce the amount of work the government must undertake to evaluate an offer.

Sole Source/Single Source Non-competitive procurements where the Agency selects one vendor to award. Sole Source: only one offerer is capable of supplying the required commodities or services. Single Source: although two or more offers can supply the required commodities or services, the agency, with proper justification, selects one offerer over another based upon a written finding setting for the material and substantive reasons.

Specifications A written description of the physical functional characteristics 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 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:

- ❖ It is consumed in use.
- ❖ It loses its original shape or appearance with use.
- ❖ It is expendable, that is, if the commodity is damaged or some of its parts are worn out, it is usually more feasible. All property, including but not limited to replace it with an entirely new unit rather than repair it.
- ❖ It is an inexpensive item, having characteristics of: equipment, whose small unit cost makes it inadvisable to capitalize the item materials and printing, excluding real property or a permanent interest in real property.
- ❖ It loses its identity through incorporation into a different or more complex unit or substance.

Time and Materials Type Contract A contract whose cost to a non-Federal entity is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Value Engineering/Quality Assurance A systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

Vendor A supplier of commodities or services to the County.