



Statement of Procurement Policy and Procedures

Policy: It is the policy of The Putnam County Economic Development Corporation (the “EDC”) to assure the prudent and economical use of EDC moneys, to facilitate the acquisition of goods and services of maximum quality at a competitive cost, and to guard against favoritism, improvidence, extravagance, fraud and corruption. While the EDC is not obligated pursuant to New York State law to require competitive bidding on its contracts, the EDC finds that its policy is advanced by requiring public bidding in certain instances.

Conflict of Interests: While the EDC is not obligated to comply with the provisions of Section 883 of the GML, the EDC hereby states its desire to adhere to the letter and spirit of such provisions by requiring all directors/members, officers and employees of the EDC to be subject to the same Conflicts of Interest provisions contained in Article 18 of the GML.

Procedures: The EDC shall, unless it otherwise finds by Resolution to the contrary, pursue its procurement policy by adhering to the following procedures:

I. Goods

- A. **Contracts for Goods Valued at \$5,000 and Under:** All contracts for goods valued at \$5,000 and under shall be awarded by the EDC’s President using his/her judgment as to the most appropriate vendor, without further documentation.
- B. **Contracts for Goods Valued over \$5,000 but less than \$10,000:** All contracts for goods valued over \$5,000 but less than \$10,000 shall be awarded after the approval of the EDC Board of Directors.
- C. **Contracts for Goods Valued at \$10,000 and Over.** The EDC shall use its best efforts to award contracts for goods valued over \$10,000 through a competitive process. The competitive process to be utilized shall, absent approval of the EDC to the contrary, be overseen by the President and entail the following:
 - (i) All solicitations and requests for proposals should be in writing and should incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description should not contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, should set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended

use. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of such a procurement. The specific features of the named brand which must be met by offerors should be clearly stated and should identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

- (ii) Requests for proposals should be publicly advertised by placing them on the EDC website and by placing notice in the newspapers approved by the County of Putnam.
- (iii) Proposals should be solicited from an adequate number of qualified sources.
- (iv) The President should establish a method for conducting evaluations of the proposals received and for selecting awardees.
- (v) Awards will be made by the President to the responsible respondent whose proposal is most advantageous to the EDC, with price and other factors considered.
- (vi) Require prospective bidders to sign a non-collusion agreement.

D. Notwithstanding paragraphs A, B and C above, the President shall be authorized to award contracts for the purchase of Goods pursuant to any New York State or Putnam County approved vendor list, for the particular Goods referenced therein. Further, office supplies may be procured by the EDC's President from any national retail vendor (such as Staples or Office Depot). In such case, engaging in a competitive process would not be in the best interests of the EDC or its above stated policy.

II. Services

- A. Professional Services. Contracts for all services primarily or predominately of a professional nature, or requiring specialized skill or judgment, shall not be awarded by competitive process, but shall be awarded upon a Resolution of the EDC confirming the professional nature or specialized skill or judgment involved in such service.
- B. Marketing Services. The award of contracts, of up to \$2,500 each, for marketing, promotional advertising, sponsorship and similar services shall be awarded by the EDC's President using his/her judgment, in keeping with the best interests of the EDC. Reasonably adequate documentation supporting such award must be made by the EDC's President. It is intended that the type of service so excluded from competitive process include, without limitation, sponsorships of charitable and civic events.
- C. All Others. The award of service contracts not described in Sections II A or B above, shall be made through the competitive process described in Sections I A, B and C above.

THE FOREGOING PROCEDURES ARE IN ADDITION TO AND NOT IN LIEU OF THE SAFEGUARDS AND PROCEDURES ADOPTED BY THE EDC FROM TIME TO TIME REGARDING CHECK WRITING AUTHORITY AND THE EDC'S BUDGET PROCESS.

In the absence or unavailability of the EDC's President to act as aforesaid, the Chairman or Vice Chairman may, orally or in writing, authorize the award of any contracts with the same authority of the President as aforesaid.

These Procurement Policies and Procedures shall remain in effect until such time as the EDC's Board of Directors resolves to modify and amend the same.

The EDC may, from time to time, adopt different procedures, or deviate from any of the above procedures, on a case-by-case basis.

The unintentional failure to fully comply with the provisions of this statement of policy and procedures shall not be grounds to void action taken or give rise to a cause of action against the EDC or any director/member, officer or employee thereof.

Adopted: January 12, 2015