

# County of Chemung Purchasing Policy and Procedure

Purchasing Policy Adopted per Chemung County Legislature December 13, 2004; Resolution 04-441.

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## Section A - General Policy

**1. The Purchasing Department** shall operate under the direction of the Chemung County Executive and/or Deputy County Executive and shall be independent of control of another department head.

**2. The Chemung County Legislature designates the Purchasing Coordinator** as Purchasing Agent for the County. The Legislature shall formally designate Tricia Wise as the individual responsible for administering all purchasing activities and ensuring the quality and quantity of purchases made by the County. The Purchasing Coordinator or designee shall approve all purchase requisitions for compliance with General Municipal Law 103 and 104b and policies and procedures set forth by the Chemung County Legislature. The unintentional failure to fully comply with the provisions of section 104b of the General Municipal law or the county's regulations regarding procurement will not be grounds to void action taken or give rise to a cause of action against the county or any officer or employee of the county.

**3. All rules, laws, policies, procedures, and regulations** apply to all Chemung County Employees participating in the process/procedure of procuring goods and services.

**4. Chemung County Purchasing Department Functions are to:**

**a. Issue purchase orders** for department requisitions which meet the criteria and standards set forth herein and are approved by the department head and the Purchasing Coordinator or designee. The Purchasing Department may suggest and/or insist upon purchase of alternate items or services which meet the needs of the departments but are known to cost less than the requisitioned item.

**b. Advise and direct** departments in matters related to procurement methods, purchasing policies, and bid requirements. The Purchasing Department may assist departments in obtaining informal quotes, proposals, and requests for professional services.

**c. Solicit formal competitive bids** for departments, Chemung County political sub-divisions, and centralized contracts according to legal requirements.

**d Review and approve** office supply orders for county departments and agencies from the Central Stores Facility, and process ALL office supply invoices for payment for ALL County departments.

**e. Distribute in-coming mail** and inter-departmental mail, and process out-going mail for county departments and participating agencies from the Central Stores Facility. Charge back departments and invoice outside using agencies.

1) Departments processing mass or bulk mailings, or have unusual mailing situations shall contact the Central Stores Supervisor two weeks in advance to allow for scheduling the extra work.

2) The Purchasing Department, in consort with the Central Stores Division, shall direct departments and using agencies in matters associated with all mailing processes.

**f. Manage telephone** service requests and charge back County departments and invoice outside using agencies for phone service, telephone lines and local/long distance usage.

**g. Provide forms** to the departments for solicitation of quotes and proposals, telephone service, and disposal of surplus equipment (Reference Section D).

**h. Manage** inventory of County owned real property (other than foreclosed property)

**4. All Department Heads are responsible for** reasonably anticipating the total annual expenditure for materials and services expected to be purchased for use by their department. These anticipated expenditure totals shall dictate the procurement method to be used in accordance with the policies and procedures outlined in Sections B and C. Aggregate annual purchases of items or services shall not be intentionally separated to circumvent the expenditure limit for any required purchasing procedure.

**5. Shared Contract** as partially defined in GML 103 of New York State is “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, ... 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...,” in other words, a government-to-government contract. A Department requesting a purchase using a Shared Contract from a New York State OGS Contract, New York County Contract, or hospital related buying groups shall identify the contract number, contractor’s identity, and specific items and their respective costs on each requisition using such contracts. Proof of award from their governing board may be required.

For the use of out-of-state shared contracts the following must be in place:

- The shared contract must be consistent with New York State law and made available for use by other government entities.
- A complete copy of the solicitation
- A copy of the evaluation which includes cost and/or price analysis and that the award determination was fair and reasonable.
- A copy of the award recommendation and the final contract.

**\*\*Legislature approval required from any and all items that would be subject to public bid.**

**\*\*Purchase contracts and public works subject to competitive bidding will be awarded to the lowest responsible bidder, however, the County Legislature authorizes that purchase contracts may be awarded on the basis of best value, as defined in State Finance Law 163.**

**6. Electronic Receipt of bids** may be authorized by the bid specification and accepted in the designated electronic format. Submission in electronic format may not be required as the sole method for the submission of bids.

- The receiving device designated by Chemung County will be the e-Procurement software from Empire State Bid System and will be identified in the bid specification. The Empire State Bid System will, at a minimum:
  1. Document time and date of each bid received electronically;
  2. Authenticate the identity of the sender;
  3. Ensure security of the information transmitted;

4. Ensure confidentiality of the bid until the time and date established for opening the bids.

- Timely submission of an electronic bid in compliance with instructions provided for such submission will be stated in the advertisement for bids and shall be the responsibility of each bidder. The County shall not incur any liability from delays or interruptions in the receiving device designated for the submission and receipt of electronic bids.

7. A **written justification** along with documentation of any purchase contract awarded to or recommended to be awarded to **other than the lowest responsible dollar offeror** shall be provided to the Purchasing Department to be kept on file with the purchase order. Possible acceptable justification would be: inability to deliver goods or services within the required amount of time, substandard or unsuitable materials being offered, or materials or services which do not meet the specifications or intent of the quotation, proposal, or bid.

8. **Tie Bids** are low responsive bids from responsible bidders that are identical in price, meeting all the requirements and criteria set forth in the RFB where contractor selection is based on price alone.

- **Vendor Selection** - In the case of a tie bid, the Purchasing Coordinator shall break the tie in the following priority:
  1. Select the bidder from Chemung County;
  2. Select the bidder from New York State;
  3. Select the bidder who submitted their bid first;
  4. Conduct a public drawing with a witness to verify results.
- **Record** vendor selection method used to break the tie.

9. **Blanket Purchase Orders** may be requested by the Department for purchases of routine supplies, materials, and services used by the departments. The Blanket Purchase Orders shall properly identify the various commodities/services which are anticipated to be purchased and the total annual amount expected to be required for each vendor's blanket order.

- a. Blanket orders for department requirements may be issued to New York State, Chemung County, Shared Contract or Hospital Buying Group contractors if this method facilitates department operations. The blanket order shall be identified as such a contract on the Blanket Purchase Order request. Only items covered under the specified contract may be purchased against that order.
- b. Blanket orders shall not be utilized by departments for any single item or group of like items for which the annual total exceeds statutory bidding requirements, except as in 7.a. above.
- c. Purchases made against blanket purchase orders and payments made for such purchases are subject to review and audit. Abuse and/or misuse of the process by a department may result in cancellation of any or all of the department's blanket purchase orders and denial of future issuance of blanket purchase orders.

10. **Emergency purchases:**

An emergency purchase order may be issued by the Purchasing Department up to mandatory competitive bidding thresholds, providing funds are available, at the request of a Department Head or designee.

**Emergency requests exceeding bidding thresholds or requiring a fund transfer must be requested in writing and forwarded to the Purchasing Coordinator. The Purchasing Coordinator shall route the request to the County Executive or Deputy County Executive for approval.** The request shall be submitted to the County Legislature for ratification on the next available agenda. Excessive emergency purchases are strongly discouraged.

a. The criteria for an emergency as an exception to competitive bidding are: (1) The situation must arise out of an accident or unforeseen occurrence or condition; (2) public buildings, public property, or the life, health, safety, or property of residents must be affected; and (3) the situation must require immediate action which cannot await competitive bidding.

b. The criteria for an emergency purchase which is less than competitive bidding thresholds, and does not exceed departmental budgets are: (1) The situation must be unforeseen; (2) Department operations, buildings, property, or public safety is affected; and (3) the situation requires immediate action which cannot await solicitation of quotes or proposals.

**11. Sole Source Purchases:** As provided by section 103 of the General Municipal Law, sole source is defined as a situation where there is only one possible source from which to procure goods and services, such as in the case of certain patented goods or services. The unique benefits of the patented item as compared to other products available in the marketplace must be established. Also, that no other product provides substantially equivalent or similar benefits; and that considering the benefits received, the cost of the item is reasonable.

a. **Documentation:** The County will maintain written documentation of the unique benefits of the product or service purchased as compared to other products or services available in the marketplace; that no other product or service provides substantially equivalent or similar benefits; and that, considering the benefits received, the cost of the product or service is reasonable, when compared to conventional methods. In addition, the documentation will provide that there is no possibility of competition for the procurement of the goods or services. Documentation shall be attached to the Purchase Order.

**Sole source purchases which exceed bidding thresholds require written justification by the department head and complete vendor documentation. Departments shall complete a route slip, attach all documentation, and forward to the Purchasing Coordinator. The Legislature must approve any sole source purchase exceeding bidding thresholds.**

**Sole Source** is a monopolistic situation and no possibility of competition.

**12. Lease Contracts:** True Lease/Rental Contracts must be reviewed by the Purchasing Department and the County Attorney and signed by the County Executive. Contracts obligating the County to spend over \$20,000 will require legislative approval. All contracts must include justification of best value pricing. In addition to this procedure, Lease-Purchase Contracts must be formally bid if the total cost exceeds bidding thresholds.

### **13. Professional Service Contracts:**

a. **APPROVAL PROCESS:** All agreements/contracts are subject to approval by Resolution of the County Legislature, upon recommendation by the Department Head and review by the County Attorney, and are to be signed by the County Executive (except in event of a conflict). RFQs and RFPs (if required per [b], below) shall be solicited sufficiently in advance of the expiration of an existing contract's term.

**b. RFQs and RFPs**

**1. CRITERIA:** In addition to the Approval Process, an RFQ or RFP process shall be required for agreements and contracts defined as Professional Services in accordance with the following:

- i. **Under \$20,000** shall be awarded upon the recommendation of the Department Head, without an RFQ or RFP.
- ii. **Between \$20,000 and \$100,000** shall require a solicitation for no less than three (3) informal requests for qualifications (“RFQs”) prior to selection of a provider. All RFQ’s must include justification of best value pricing.
- iii. **Exceeding \$100,000, individually or cumulative in any fiscal year**, shall require the issuing of a formal request for proposal (“RFPs”).

**2. EXCEPTIONS:** RFQs and RFPs shall not be required in the following circumstances based on the determination of the Coordinator of Purchasing:

- i. Providers specifically required pursuant to grants;
- ii. Providers approved by the New York State Office of Governmental Services;
- iii. Emergency circumstances that require the immediate provision of professional services;
- iv. Circumstances when the services required are unique, or available from only one responsible entity.

**3. CONTENT:** All RFPs and RFQs required under this policy for the securing of professional services shall contain a detailed scope of services, and solicit specific fees and other associated costs for such services, and other essential terms. RFPs shall solicit information regarding the suitability of the individual/firm for the County’s needs as follows:

- i. The special knowledge, experience and expertise of the individual/firm;
- ii. The credentials and applicable certifications of the individual/firm;
- iii. The quality of the service provided by the individual/firm;
- iv. The cost of the services; and
- v. For grant funded services, the individual/firm’s commitment to workplace diversity, working with Minority and Women-owned Business Enterprises (M/WBEs), and compliance with applicable laws and regulations prohibiting unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability, or marital status.

**c. LIST OF PROVIDERS:** Chemung County Purchasing Department will maintain a list/pool of professional service providers to refer to when requiring professional services.

**14. Authorization to Bid:** The County Legislature must approve the solicitation of bids for any materials, equipment, services, or public contracts not originally approved in the adopted budget.

**15. Surplus Equipment -** Equipment must be declared surplus by the Legislature prior to sale or disposal. The “Surplus Declaration and Disposal Form” shall be used to track the surplus throughout the process

**a. Methods of Surplus Equipment Disposal**

- i. Other than public auction, surplus equipment may be disposed of by means of a trade-in for new equipment or a sale/donation to another government agency. The department head must document the sale price or trade in value on the surplus form and coordinate trade in or sale/donation of equipment to another government after Legislature approval.

- i. **NOTE:** Items being transferred to another County department should **NOT** be declared

surplus. Transfer forms are provided on the County Intranet by the Treasurer's Office.

**b. Transportation and Storage:** Following legislative approval, the Purchasing Department shall coordinate the disposition of surplus equipment by auction, disposal, or sale for scrap value.

1. The Purchasing Department shall send to the originating department a surplus alpha-numeric label to affix to all surplus items properly identifying its category as Auction, Recycle, Scrap or Dispose.
2. The Purchasing Department will issue a Work Order either to the originating department or the Buildings and Grounds Department to transport, if required, or dispose of surplus.
3. The Buildings and Grounds Department or Originating Department shall verify to the Purchasing Department the method of disposition of County declared surplus assets.
4. No surplus equipment shall be removed without written properly authorized paperwork.

**c. Surplus Equipment Auction and/or Disposal:** The Purchasing Department shall coordinate the sale of surplus for scrap value, verify receipts from the scrap sale, and deposit revenue with the Treasurer's Office.

1. Public auctions will be held at the storage facility as necessary to dispose of surplus equipment. **County items must have been declared surplus and approved by the Chemung County Legislature prior to sale.** Other disposal methods may be utilized including sealed bid auctions, internet auctions, selling for scrap value, and placing items in other government agency auctions. The County may allow other government agencies to participate in county auctions, and such agencies will be charged a pro-rated share of all auction-related expenses.
2. **Surplus equipment not sold by the aforementioned** means or is deemed unsuitable for re-sale or re-use shall be transported to the solid waste disposal facility by the Buildings and Grounds Department or the originating department upon receipt of a work order from the Purchasing Department. All surplus disposed of in this manner shall be documented by the **transporter** and Solid Waste personnel.
3. **Surplus equipment which has a "scrap" value** may be sold to the scrap dealer submitting the highest price per ton. A minimum of two (2) quotes shall be obtained from vendors providing this service.

**Section B: Purchasing Policy And Procedure For Procurement Of Materials And Supplies**

<b>Purchase Requisition Amount</b>	<b>Purchasing Procedure</b>
Under \$3,000.00 per single item.	<p>Departments shall obtain one to two quotations.</p> <p>Quotes shall be kept on file at the Department but must be made available to the Purchasing Department if requested.</p> <p><b>Emergency purchases</b> made at the direction of the department head prior to obtaining a purchase order shall be indicated in the description portion of the purchase requisition with a <u>short</u> explanation.</p>
Between \$3,000.00 to \$9,999.00 per single item.	<p>Departments shall obtain at least two written quotations inclusive of all charges, utilizing standard County "Request for Quote" form; copies to be submitted to the Purchasing Department.</p> <p><b>Emergency purchases</b> made at the direction of the department head prior to obtaining a purchase order shall be indicated in the description portion of the purchase requisition with a <u>short</u> explanation.</p>
Between \$10,000.00 to \$19,999.00 per single item	<p>Departments shall obtain three (3) <u>written quotations</u> inclusive of all charges utilizing standard County "Request for Quote" form; copies to be submitted to the Purchasing Department.</p> <p>Quotes shall be submitted to the Purchasing Department.</p> <p><b>For Emergency purchases</b> made prior to obtaining a purchase order, the Department Head (or designee) shall <u>fax or email an explanation</u> to the Purchasing Department in addition to indicating "emergency purchase" on the requisition.</p>
Over \$20,000.00	<p><b>Competitive sealed bids are required by NYS law</b> for all purchases of any single item costing over \$20,000.00, or cumulative purchases over \$20,000.00 of any single item or type of items (ex: tires) made within the twelve month period commencing on the date of purchase.</p> <p>Departments shall submit technical specifications and other criteria as required to the Purchasing Department. The Purchasing Department will develop the bid document and solicit bids according to legal requirements. Bid award to other than the lowest bid must be approved by the County Attorney. <b>Bid awards to be made by the County Legislature</b> upon recommendation by the department head in consort with the Purchasing Coordinator.</p> <p><b>Emergency purchases and sole source</b> requests must be made in writing to the <b>Purchasing Coordinator to be routed</b> to the County Executive's Office.</p>

**Exceptions to all the above procurement requirements** are purchase contracts with vendors holding a NYS OGS Contract, Chemung or other authorized Share Contract as defined by General Municipal Law 103, Hospital Buying Group, Preferred Source, or documented sole source.

If time allows, two quotes will be obtained for emergency purchases over \$ 10,000.00.

**Section C: Policy And Procedure For Procurement Of Public Works And Building Service Contracts**

<b>Contract Amount</b>	<b>Purchasing Procedure</b>
Under \$ 7,500.00	<p><b>The Department shall obtain</b> at least one written proposal inclusive of all charges using standard County "Request for Proposal" form. Requirements are contained in the standard proposal form. Copies of Proposal(s) shall be retained by the department and be made available upon request.</p> <p><b>Emergency purchases</b> made at the direction of the department head prior to obtaining a purchase order shall be indicated in the description portion of the purchase requisition with a <u>short explanation</u>.</p>
Between \$7,500.00 to \$19,999.00	<p><b>The Department</b> shall obtain at least two written proposals inclusive of all charges using the standard County "Request for Proposal" form. Requirements are contained in the standard proposal form. Copies of the proposals shall be provided to the Purchasing Department.</p> <p><b>For Emergency purchases</b> made prior to obtaining a purchase order, the Department Head (or designee) shall <u>fax or email an explanation</u> to the Purchasing Department in addition to indicating "emergency purchase" on the requisition.</p>
Between \$20,000.00 to \$35,000.00	<p><b>The Department</b> shall obtain three written proposals using the County "Request for Proposal" form. Requirements are contained in the standard proposal form. Copies of the proposals shall be provided to the Purchasing Department.</p> <p><b>For Emergency purchases</b> made prior to obtaining a purchase order, the Department Head (or designee) shall <u>fax or email an explanation</u> to the Purchasing Department in addition to indicating "emergency purchase" on the requisition.</p>
OVER \$ 35,000.00	<p><b>Competitive sealed bids are required by NYS law for all public works or building service contracts exceeding \$ 35,000.00</b></p> <p>Technical specifications shall be submitted to the Purchasing Coordinator for development of a formal bid. The final bid document shall be approved by the County Attorney.</p> <p>If an architect/engineering firm is retained to develop the bid document, the firm must submit the final document to the County Attorney for review and approval prior to the advertisement for bids.</p> <p>Bid award recommendation to be made by the Department Head and/or professional consultant in consort with the Purchasing Coordinator. Bid Award by County Legislature</p> <p><b>Emergency purchases and sole source</b> requests must be made in writing to the <b>Purchasing Coordinator to be routed</b> to the County Executive's Office.</p>

**Exceptions to all the above procurement requirements** are purchase contracts with vendors holding a NYS OGS Contract, Chemung or other authorized Shared Contract as defined by General Municipal Law 103, Hospital Buying Group, Preferred Source, or documented sole source.

If time allows, two quotes will be obtained for emergency purchases over \$ 10,000.00.

**SECTION D: PURCHASING FORMS**

**County of Chemung, State of New York  
Telephone / Verbal Quotation Summary**

Department: \_\_\_\_\_ Division: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Telephone/Ext: \_\_\_\_\_ Date: \_\_\_\_\_

Notes:		VENDORS					
		Vendor Name					
		Address					
		City, State, Zip					
		Contact Ph Fax					
Qty	Description	Unit Price	Total	Unit Price	Total	Unit Price	Total
<b>Totals:</b>							

## **Section E - Federal Grant Administration Procedures**

Chemung County does not have a centralized grants department, therefore it is the responsibility of each department obtaining a grant to administer, and be familiar with, all grant documents and requirements. For purposes of this policy, Department Head applies to the individual within a given department who will be responsible for the grant.

### **General Information**

2 CFR Part 200 Subparts A-F "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards" requires organizations to establish and maintain effective internal controls over federal awards.

To comply with 2 CFR Part 200 (subparts A-F), the County of Chemung implements the following policies and procedures, including, but not limited to:

**1. Follow the current procurement policy and procedure document** which reflects applicable State and Local laws and regulations. This policy will apply to Federal Grants where appropriate and will be subject to General Municipal Law and Uniform Guidance.

**2. Procurement Standards.** The type of purchase procedures required depends on the cost of the item(s) being purchased. **NOTE: The County's procurement policy is more restrictive than the federal purchase methods; departments must always follow the most restrictive policy.**

**a. Sealed Bid (Formal Advertising)** - Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The Sealed bid method is the preferred method for procuring construction, if the following conditions apply:

- 1) A complete, adequate, and realistic specification or purchase description is available;
- 2) Two or more responsible bidders are willing and able to compete effectively for the business;
- 3) 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:

- 1) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, the invitation for bids must be publicly advertised;
- 2) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to respond properly;
- 3) All bids will be opened at the time and place prescribed in the invitation for bids and must be opened publicly;
- 4) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
- 5) Any or all bids may be rejected if there is a sound documented reason.

**b. Competitive Proposal** - The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- 1) Request for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;

- 2) Proposals must be solicited from an adequate number of qualified sources;
- 3) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

**c. Noncompetitive Proposals (Sole Sourcing)** – Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and maybe used only when one or more of the following circumstances apply:

- 1) The items is available only from a single source;
- 2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- 3) The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the County; or
- 4) After solicitation of a number of sources, competition is determined inadequate.

**3. Maintain oversight** to ensure that contractors perform in accordance with the contracts terms, conditions, and specifications.

**4. Standards of Conduct.** No employee, officer or agent may participate in the selection, award or administration of a contract supported by a Federal award 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 employees or is about to employ any of the partied indicated herein, have a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise.

**5. Avoid acquisition of unnecessary or duplicative items.** Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. The County will also analyze other means, as described in §200.318 of the Uniform Guidance, to ensure appropriate and economical acquisitions.

**6. Use Intergovernmental Agreements** or inter-entity agreement, where appropriate.

**7. Use of Federal Excess and Surplus property** in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

**8. Suspension/Debarment.** The County awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

- a. County Departments will be required to notify the Purchasing Department and Law Department that federal funding will be used for a certain procurement/contract.
- b. When requesting a written contract, the County Department will be responsible for running the Vendor/Contractor's name through the System for Award Management (SAM.gov) to determine any exclusion exists.
- c. Prior to issuing a purchase order using federal funds, the Purchasing Department will check SAM.gov to determine if any exclusion exists for the Vendor/Contractor.
- d. If a vendor/contractor is found to be suspended or debarred, the County will immediately cease to do business with the vendor.

**9. Provide for full and open competition** consistent with 2 C.F.R § 200.319. In order to ensure objective contractor performance and eliminate unfair competitive 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.

**10. Utilize Time and Materials** contracts when it has been determined, in writing, that no other contract type is suitable.

**11. Settlements of Issues Arising Out of Procurements.** The County 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. These standards do not relieve the County of any contractual responsibilities under its contracts. Violations of the law will be referred to the local, state, or federal authority having proper jurisdiction. The County maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency.

**12. Maintain records** sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (Including a cost or price analysis), and verification that the contractor is not suspended or debarred (to be supplied by Department Head).

**13. Graphical Preferences Prohibited.** The County shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographical preference. When contracting for architectural and engineering (A/E) services, geographical location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

**14. Prequalified Lists.** The County shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the County must not preclude potential bidders from qualifying during the solicitation period.

**15. Solicitation Language** will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, 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, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be

met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals. 2 C.F.R. § 200.319 (c) (1).

**16. Take all necessary affirmative steps** to ensure that minority businesses, women's business enterprise, and labor surplus area firms are used when possible as described in §200.321.

**17. Procured recovered materials** in compliance with §200.322.

**18. Perform a cost or price analysis** in connection with every procurement action in excess of the Simplified Acquisition Threshold (\$150,000), including contract modifications. 2 C.F.R. §200.323(a).

- a. A cost analysis generally means evaluating the separate cost elements that make up the total price.
- b. A price analysis means evaluating the total price, without looking at the individual cost elements.
- c. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Department Head must come to an independent estimate prior to receiving bids and proposals. 2 C.F.R. §200.323(a).
- d. When performing a cost analysis, the Department Head negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. 2 C.F.R. § 200.323(b).
- e. The cost plus a percentage of cost and percentage of construction cost methods of contracting must NOT be used.

**19. Federal awarding agency or pass-through entity review.** The County will make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal award agency or pass-through entity believe such review is needed.

**20. Bonding requirements (§200.325)** for construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold (\$150,000), the County will require:

- a. A bid guarantee from each bidder equivalent to five (5) percent of the bid price.
- b. A performance bond on the part of the contractor for one-hundred (100) percent of the contract price.
- c. A payment bond on the part of the contractor for one-hundred (100) percent of the contract price.

**21. Contract provisions (§200.326).** The County contract must contain the applicable provisions described in Appendix II to Part 200.

## **Section F - Contract Administration**

1. **The objective of contract administration** is to ensure the following post-award activities:
  - a. Satisfy quality and quantity terms of contracts.
  - b. Ensure timely delivery of goods and services.
  - c. Protect financial interests of the County by reviewing costs and monitoring payments.
  - d. Ensure proper process is followed, including with regard to refunds, payments and credits; change orders; and contract completion, cancelation or renewal.
  
2. **Contract Administration** is the responsibility of the Department Head, with assistance by Purchasing, Legal and Finance (and, depending on the complexity of the contract being administered, use of technical staff or consultants).
  
3. **Responsibilities:**
  - a. **The Department Head is responsible to:**
    - 1) Provide technical and physical management and monitoring of contract performance.
    - 2) Understand requirements of Specifications, including the contract's scope of work, terms and conditions.
    - 3) Maintain all correspondence of technical direction/guidance with the contractor.
    - 4) Monitor contract performance (ensure compliance with contract specifications, budget and reporting), including:
      - i. Inspect work regularly and confirm the contractor's performance.
      - ii. Ensure County is getting what they are paying for, or fix it.
      - iii. Document performance deficiencies, and communicate with the contractor about deficiencies.
      - iv. Allow reasonable time for contractor to remedy identified deficiencies, and document compliance.
    - 5) Keep Purchasing informed of significant events involving the contract.
  
  - b. **The Purchasing and Legal is responsible to:**
    - 1) Ensure that contracts are approved as to form, and that all required forms are signed, and that contract supplements (insurance, bonds, access agreements, etc) are in proper form and timely received.
    - 2) Support Department Head and staff to ensure contractor performs according to specifications/scope of work
    - 3) Assist in managing the County's business relationship with contractor.
    - 4) Review changes or supplements to the contract during performance.
    - 5) Assist the Department Head in enforcing remedies upon deficient work, including rejection or breach. Communication to the contractor should be coordinated with, or sent by Purchasing or Legal:
      - i. **Rejection of Contractor's Work:**
        - The Department Head shall maintain documentation of non-performance and provide the same to the Purchasing and Legal Departments. (Purchasing shall provide a Vendor Dissatisfaction Form to be used for this purpose)
        - b. A Formal written notice of rejection will be sent to vendor
        - c. The notice of rejection must give specific reasons for rejection, and state corrective action needed, and a time period to complete the corrective action
        - d. Notices of rejection should be processed as soon as deficiencies that were communicated with the vendor are not remedied within a reasonable time.
  
      - ii. **Breach, early termination, and claims for damage:** - The Department Head shall provide the Purchasing and Legal Department with supporting documentation to assess reason for claims of breach, and assessment for damages. The Purchasing and Legal Department shall process and handle all such claims, including early termination of the contract.

**County of Chemung New York State  
REQUEST FOR QUOTATION**

**A. General Conditions**

1. **Quotations** should be mailed, faxed, or hand delivered to the County Department and person listed on page two (2). The quotes must be received by the County on or before the due date and time. Late quotes will not be accepted. Chemung County has the right to reject any or all quotes and to waive technicalities if its best interest will be served thereby.
2. **Submission of Quote:** Bidders must submit their quote on this document. All pages of this document must be initialed and submitted. Quotes shall remain firm for forty-five (45) calendar days from the proposal due date.
3. **Price Quotes** shall include all shipping and handling, F.O.B. destination.
4. **Delivery:** Delivery shall be within the delivery time stated one page two (2).
5. **Payment:** Payment shall be made within forty-five (45) days of receipt and acceptance of bid items or receipt of the vendor's invoice, whichever is later.
6. **Executory Clause:** Any contract awarded as a result of this solicitation shall be deemed executory only to the extent of the monies appropriated and available for its purpose, and no liability on account therefor shall be incurred beyond the amount of such monies. It is understood that this solicitation, any resulting contract, or any representation by any public employee or officer, creates any legal or moral obligation to request, appropriate, or make available monies for the purpose of the contract.
7. **Vendor Knowledge of Requirements:** All vendors must carefully inspect this document and be fully aware of its requirements. Questions should be directed to the County employee listed. The submission of a quote will be construed as evidence that the vendor has made such examinations and understands all conditions.

County of Chemung  
New York State  
REQUEST FOR QUOTATION

Issue Date: \_\_\_\_\_

Quote Information:

Quote Due: \_\_\_\_\_ Delivery Time: \_\_\_\_\_ Days from date of order Time Due: \_\_\_\_\_ am pm

Award Based Upon: \_\_\_\_\_ Low Total Gross Sum Quote \_\_\_\_\_ Lowest Quote for Each Item

**County Information:**

Department/Division \_\_\_\_\_ Requested by: \_\_\_\_\_

Phone# \_\_\_\_\_ Fax# \_\_\_\_\_

Ship to: \_\_\_\_\_

**Vendor Information:**

Name/Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone# \_\_\_\_\_ Fax# \_\_\_\_\_

**Item(s) Requested for Quote**

Qty	Description	Unit Price	Total Price in Figures	Total Price in Words
Total Gross Sum Quote:				

\_\_\_\_\_  
Name and Title of Person Preparing Quote

\_\_\_\_\_  
Signature of Person Preparing Quote and Date

**County of Chemung  
New York State  
REQUEST FOR PROPOSAL FOR PUBLIC WORK OR SERVICE**

Issue Date: \_\_\_\_\_

**RFP Information:**

Proposal Due Date: \_\_\_\_\_ Time Due: \_\_\_\_\_ am pm

Work to Begin by: \_\_\_\_\_ and Completed on or before: \_\_\_\_\_

Prevailing Wages applicable:     Yes        No

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**County Information:**

Department/Division \_\_\_\_\_ Requested by: \_\_\_\_\_

Phone # \_\_\_\_\_ Fax# \_\_\_\_\_

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**Vendor Information:**

Name/Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

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**(Specifications inserted by department)**

**The attached proposal is submitted by:**

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Name and Title of Person Preparing Proposal

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Signature of Person Preparing Proposal and Date

## A. General Conditions

1. **Intent:** It is Chemung County's intent to award this contract to the proposer submitting the lowest responsible proposal. The County has the right to reject any or all proposals and to waive technicalities if its best interest will be served thereby.
2. **Submission of Proposal:** Proposals are to be submitted to the County Department and person listed on or before the due date and time. Initial all pages of this document and return with the proposal. Include any other documents required in the technical specifications. No vendor contracts shall be signed or agreed to by the County.
  - a. Proposals shall remain firm for forty-five (45) calendar days from proposal due date.
3. **Insurance:** The successful proposer shall provide insurance certificates, and/or other proofs of insurance to Chemung County within one week of notification of award and prior to start of work as follows:
  - a. **General Liability Insurance** in the amount of \$1,000,000.00 per occurrence and certificate naming the County of Chemung, its officers and employees as additional insured on a primary basis.
  - b. **Workers Compensation:** Proof of workers compensation must be provided.
4. **Prevailing Wage Requirements (IF APPLICABLE):** Contractor must pay workers according to NYS prevailing wage schedules applicable on the effective date of the contract. Pursuant to Sections 220 (3-a) of the NYS Labor Law, the successful proposer to whom the County awards the contract, and any subcontractor performing work under said contract, shall submit to Chemung County a transcript of its original payroll records within thirty (30) days of the issuance of the contract (purchase order), and payroll records within thirty (30) days thereafter.
5. **Issuance of Purchase Order – Notice to Proceed:** Upon receipt of all required insurance certificates, a purchase order will be issued to the successful contractor and this shall be the notice to proceed.
6. **Payment:** Payment shall be made within forty-five (45) days of County acceptance of all contract work or receipt of the contractor's invoice, whichever is later.
7. **Executory Clause:** This contract shall be deemed executory only to the extent of the monies appropriated and available for the purpose of the contract, and no liability on account therefore shall be incurred beyond the amount of such monies. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to request, appropriate, or make available monies for the purpose of the contract.
8. **Financial and Professional Qualifications:** The County reserves the right to require the apparent low proposer to furnish evidence, including documentary evidence where deemed necessary, to establish proof of financial responsibility and ability to perform the contract, if awarded. The County reserves the right to conduct investigations as to the qualifications and financial position of the apparent low proposer to the fullest extent allowed by law. The County, in its sole discretion, shall determine financial and professional adequacy of proposer.
9. **Vendor Knowledge of Requirements:** All prospective proposers must carefully inspect these proposal documents and the actual work site. The submission of a proposal will be construed as evidence that the proposer has made such examinations. Technical questions and/or appointments to tour the work site can be made by contacting the County employee listed on this document.

## County of Chemung Surplus Equipment Declaration and Disposal Form

**SECTION 1: ORIGINATING DEPARTMENT INFORMATION**

Originating Department completes **Sections 1 and 2** and forwards to the Purchasing Department.

**Originating Department:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Telephone:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Department Head Authorization:** \_\_\_\_\_

**SECTION 3: LEGISLATIVE ACTION**

The **Purchasing Department** completes **Section 3 and 4** and coordinates the following as appropriate:

a.) Disposes of, or sells surplus items as recommended

b.) Forwards form to originating department for transport and disposal. Department of Buildings and Grounds completes Section 4 and returns form to Purchasing Office. Purchasing dispatches surplus revenues to Treasurer's Office.

c.) Transfer or Sale to Another Agency refer to procedure on back of form.

**NOTE: Transfers to other County Departments are not available on the Intranet, contact the Treasurer's Office for details.**

**Legislative Agenda Item #** \_\_\_\_\_

**Date:** \_\_\_\_\_

**SECTION 2: ITEM DESCRIPTION AND DEPARTMENT DISPOSAL RECOMMENDATION**

Note: All actions below require Legislative Resolution before disposal can take place.

The **Purchasing Department** prepares the route slip and list for Buildings and Grounds Committee and Legislative Agenda.

**SECTION 4: TRANSPORT AND DISPOSAL**

**RECORD**

(Originating Department or Buildings and Grounds)

Item Description (Including serial # , other identifying description)	Asset Tag # (if applicable)	Surplus Tag # (for Purchasing use only)	Check Department Disposal Recommendation						Trade-in Value	Date Completed	Initial
			For Auction	Dispose	Recycle	Sell for Scrap Value	Transfer or Sale to Another Agency	Trade-In			

Revised 5/4/2016

## **CHEMUNG COUNTY PROCEDURES FOR DONATION/SALE OF SURPLUS EQUIPMENT TO ANOTHER GOVERNMENT AGENCY**

### **PER COUNTY PURCHASING POLICY:**

1. Surplus equipment may be disposed of by means of a donation to another government agency. The department head must document the trade in value on the surplus form and coordinate donation of equipment to another government after Legislature approval.

### **COUNTY'S PROCEDURE FOR DONATING EQUIPMENT:**

1. An official request for donation is received from the government agency.
2. A letter is drafted from the County in response to the government agency request for donation.
3. Fill out surplus form sections 1 & 2. Check "Transfer or Sale to another Agency" disposal option and fill in "Trade in Value" of equipment. Forward completed form to Purchasing with the original title (if applicable) and copies of both letters.
4. Purchasing processes route slip to approve equipment as surplus by Legislature.
5. Department processes a separate route slip to approve surplus donation or sale to another government agency by Legislature.
6. Once approved by Legislature, purchasing department signs off on Title and is forwarded to requesting county department.
7. Department contacts government agency to coordinate transfer of ownership.
8. Purchasing contacts Legal Department to remove equipment from insurance (if applicable).