



# **LIVINGSTON COUNTY PURCHASING POLICY**

2023

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# LIVINGSTON COUNTY PURCHASING POLICY INDEX



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## **INTRODUCTION**

Pursuant to General Municipal Law Section 104-b, goods and services which are not required by law to be procured by the County 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 County, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Livingston County Board of Supervisors, by resolution, is required to adopt internal policies and procedures governing all procurement of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law Section 103 or any other general, special or local law.

Pursuant to Livingston County Local Law No. 3-1988, the County Administrator administers and oversees all purchasing functions of the County. This policy is the basis for the County's purchasing practices.

The purchase function involves the procurement of materials, supplies, equipment, and services at the lowest possible cost consistent with the quality needed to meet the required standards of the County. Although procedures change, fundamentals do not. 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 of expenditures.

This policy has been prepared as a guide to performing the procurement function in accordance with County policies. It is intended to serve as a continuing reminder of the duties and responsibilities involved in procuring required items, while at the same time maintaining the County's reputation for fairness and integrity.

## **ETHICS OF PURCHASING**

In order to eliminate any suspicion of wrongdoing, unfairness or conflicts of interest prior to any purchase of materials, goods, supplies, or services, the Purchasing Department will:

1. Consider the interest of the County in the betterment of its government;
2. Endeavor to obtain the greatest value for every dollar expended;
3. Be receptive to advice and suggestions from Department Heads, insofar as such advice and suggestions are not in conflict with legal or moral restriction in purchasing procedures;
4. Strive for knowledge of municipal equipment, supplies and services in order to recommend items that may either reduce cost or increase municipal efficiency;
5. Insist on and expect honesty in sales representations whether offered verbally or in writing, through advertising or by providing samples of a product;
6. Give all responsible bidders equal considerations and the assurance of unbiased judgment in determining whether their product and/or service meets specifications;
7. Discourage the offer of, and to decline any and all gifts which in any way might influence the purchase of municipal equipment, supplies and/or services; and
8. Accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions, and cooperate with governmental and trade associations in the promotion and development of sound business methods in purchasing the County's equipment, supplies and/or services.

## **PURCHASING POLICY LIMITS AND GUIDELINES**

Pursuant to General Municipal Law Section 104-b, procedures for purchasing goods or services that fall below monetary bid limits must be established and approved by the Livingston County Board of Supervisors. The following guidelines are established for all purchases made by Livingston County Departments.

**Quotes must be obtained for all items purchased in excess of \$1,000.00 unless they are available from an approved contract including but not limited to:**

- New York State Contract available through Office of General Services (OGS) <https://www.ogs.ny.gov/purchase/searchbrowse.asp>
- Contract awarded by Livingston County through the competitive bid process.
- Contract awarded by another municipality (i.e., county, town, village) that allows for “piggybacking” to be extended to other municipalities.
- Group Purchasing Contract (for use only by LCCNR).
- Preferred Source pursuant to Sections 175(a) and 175(b) of the New York State Finance Law.
- National Cooperatives – Refer to “Purchasing from Cooperative Contracts” on page 10.

The Livingston County Quote Form (page 6) should be filled out for any Purchase Order requiring quotes. This form must be uploaded into the document section of the ERP system when processing a Purchase Order.

Every attempt must be made to get the required quotes. A detailed explanation must be attached to the Purchase Order if the number of required quotes was not obtained.

**Departments are responsible** to confirm that the contract they are receiving pricing from is a valid current contract and that the items and/or service(s) being purchased are included in the contract awarded to the vendor. When using a Cooperative Contract or piggybacking off another municipalities contract, the **Cooperative/Contract Justification Form (page 11) should be filled out** and uploaded into the document section of the ERP system when processing a Purchase Order.

**Pricing can be negotiated.** Prices under a Cooperative Contract or NYS OGS Contract are normally “ceiling” prices. Departments should ask vendors for a best and final offer.

### **PURCHASES OF GOODS/EQUIPMENT/COMMODITIES**

The following guidelines apply to all County Departments.

- Purchase Orders are required for all purchases over \$1,000.00, unless noted as an exception – Refer to “Exceptions to Purchasing System” on page 7.
- Like item orders cannot be split into multiple transactions to circumvent the Purchase Order/bid process.

<b>Limits</b>	<b>Process</b>	<b>Purchase Order</b>
\$1,000.00 - \$2,499.00	2 Verbal Quotes	Purchase Order is issued.
\$2,500.00 - \$19,999.99	3 Written Quotes	Purchase Order is issued.
\$20,000.00 and over	Competitive Sealed Bid (unless from approved contract)	Purchase Orders can be issued for products and services if required by a vendor and to allow for tracking in the ERP system.
“Sole” source and “Single” source refer to page 8.		
If the actual cost of any purchase or project is uncertain but suspected to exceed the \$20,000.00 limit, discretion will be used and the bidding procedure will take effect.		

**Aggregate Purchases** – General Municipal Law Section 103 requires purchases **exceeding \$20,000.00 for an overall expenditure per category/like items by the County (not per Department or vendor)** be awarded to the lowest responsible bidder. Items or work of the same or similar nature, which are provided by the same groups of vendors or contractors, are to be treated as a single item for the purposes of determining whether the dollar threshold will be exceeded over a 12-month moving window. Dollar thresholds may not be avoided by artificially splitting purchases into lesser amounts.

**PUBLIC WORKS CONTRACTS**

Public Works applies to those items or projects involving labor or both materials and labor. Public Works relates to most service contracts. Prevailing Wages apply. It is the contracting Departments responsibility to obtain the Prevailing Wage Schedule.

<b>Limits</b>	<b>Process</b>	<b>Contract**</b>
Up to \$5,000.99	1 Written Quote	Contract is issued.
\$5,001.00 - \$34,999.99	3 Written Quotes	Contract is issued.
\$35,000.00 & over	Competitive Sealed Bid (unless from approved contract)	Contract is issued.

**PROFESSIONAL SERVICE\* CONTRACTS**

<b>Limits</b>	<b>Process</b>	<b>Contract**</b>
Up to \$5,000.99	1 Written Quote	Contract is issued.
\$5,001.00 - \$19,999.99	3 Written Quotes	Contract is issued.
\$20,000.00 & over	Process to be determined by the County Administrator. Determination will be made if a formal Request for Proposal (RFP) or competitive bidding is required.	Contract is issued.

\* The County Administrator will determine when the formal Request for Proposal process will be used or if quotes or proposals may be obtained from a specific vendor(s)/firm(s).

\*\*Purchase Orders can be issued, in addition to a contract, for products and services if required by a vendor and to allow for tracking in the ERP system.

# LIVINGSTON COUNTY QUOTE FORM

**DEPARTMENT:** \_\_\_\_\_  
**REQUESTED BY:** \_\_\_\_\_ **PHONE** \_\_\_\_\_ **DATE** \_\_\_\_\_

ITEMS/ SERVICE REQUESTED:

Are Items available on a Preferred Source Contract\* (NYSID, Corcraft, NYSPSP)?  YES  NO

If yes, explain why you are not using a Preferred Source Contract:

\* We are required by law to purchase commodities and services from Preferred Sources first as long as the Preferred Source offering meets our needs or form, function, utility, and the cost is within 15% of market value.

VENDOR NAME & CONTACT	QUOTE RECEIVED
Phone #:	

VENDOR NAME & CONTACT	QUOTE RECEIVED
Phone #:	

VENDOR NAME & CONTACT	QUOTE RECEIVED
Phone #:	

**NOTES:**

*Note: When obtaining quotes on items over \$2,500.00, written quotes from the vendor must be attached to the purchase order.*

## **PURCHASING POLICY AND CONTROL**

1. The Purchasing Department will be responsible for developing and administering the Purchasing Policy and program.
2. Purchase contracts for materials, equipment and supplies involving an estimated annual expenditure by the County of more than \$20,000.00 and Public Works contracts involving more than \$35,000.00 will be awarded only after public advertisement soliciting formal bids (Section 103 of the General Municipal Law).
3. All bid packages for competitive bidding will be prepared by the Purchasing Department unless the Department receives approval from the Purchasing Director to prepare their own documents. All bids prepared by a Department must be sent to the Purchasing Director and the County Attorney for review and final approval prior to advertising the bid/RFP. The requesting Department must submit the necessary information as outlined in the competitive bidding section of this policy (page 14).
4. All requests to purchase any technology related equipment, software or services must be approved by the Director of Information and Technology. The Department must upload the quote(s) and any other required documentation within the ERP system when requesting a Purchase Order.
5. The purchasing procedures employed will comply with all applicable laws and regulations of the State and County.
6. Opportunity will be provided to all responsible suppliers to do business with the County.
7. All contracts that require public advertising and competitive bidding will be awarded as provided by law and this policy.
8. No County official or employee will be financially interested in any contract entered into by the County. This also precludes County officials or employees accepting gratuities, financial or otherwise, from any supplier that provides materials or services to the County.
9. The County will not be deemed responsible for commitments made circumventing any procedures required under this policy.
10. The following is the approval process for all purchase orders:
  - a. Livingston County Department Heads or designee enter the request for a Purchase Order into the New World ERP system and approved at the Department level.
  - b. All Purchase Orders are approved by Ashley Scutt, Purchasing Director/Administrative Assistant.
  - c. Ian M. Coyle, County Administrator, or person authorized by the County Administrator, approves as needed.

## **EXCEPTIONS TO PURCHASING SYSTEM**

The following purchases may be made without a Purchase Order:

1. All single purchase less than \$1,000.00. Purchasing Department can be used as a resource in securing the items with a cost under \$1,000.00.
2. Utility bills.
3. Service contracts for maintenance and repair of equipment.
4. Monthly or annual rental or lease fees.
5. Interdepartmental charges. An interdepartmental charge back is the means by which a County Department is able to charge another County Department for services it renders and/or supplies it provides to that Department.
6. Medical examinations.
7. Legal notices. A proof of publication should be attached to the County voucher when submitted for payment.
8. Postage meter and stamp costs.
9. Subscriptions, valid membership dues, books and videos. Department Head's must approve the subscription prior to ordering. The request must include documentation indicating:
  - a) The actual benefit derived by the County and individual from the subscription or membership.

- b) Why the subscription or membership should be charged against the County rather than being a personal charge.
10. Mileage, travel and conference reimbursement. A Travel Request and Authorization form approved by the County Administrator must be attached to the County voucher when submitted for payment.
  11. Trainings and seminars.
  12. Reimbursement of petty cash funds. The custodian of the petty cash fund will request replenishment of the fund in advance of its depletion. Request for replenishment of the petty cash fund shall be submitted to the County Auditor, or designee, for payment.
  13. Other expenses may be deemed exempt from the Purchasing System by the County Administrator on a case-by-case basis

### **PREFERRED SOURCE PURCHASES**

Pursuant to State Finance Law Section 162, governmental municipalities like the County are required to purchase needed commodities and services from certain organizations designated by New York State as Preferred Source Vendors.

The organizations designated by New York State as Preferred Source Vendors are:

- **NYS PSP**  
**NYS Preferred Source Program for People Who Are Blind**  
<http://www.nyspsp.org/>
- **CORCRAFT**  
**New York State Department of Correctional Services Division of Industries**  
<http://www.corcraft.org/>
- **NYSID**  
**New York State Industries for the Disabled, Inc.**  
<http://www.nysid.org/>

#### **Examples of Commodities available:**

Furniture, cleaning products, medical supplies, drug test kits, office supplies, personal care products, safety supplies, apparel, linens, printed apparel, flags and poles, food service items, and janitorial supplies.

#### **Examples of Services available:**

Carpet cleaning, data imaging services, electronics recycling, furniture repair and re-upholstery, janitorial, laundry, mail services, microfilm conversion, and document destruction.

### **SOLE SOURCE & SINGLE SOURCE**

Competitive bidding is not required under General Municipal law Section 103 in those limited situations when there is only one possible source from which to procure goods and services required in the public interest such as in the case of certain patented goods or services.

A **Sole Source** procurement is one in which only one vendor can supply the commodities, technology and/or perform the services required by a Department. It can be a manufacturer, software developer or service provider that sells direct and there are no other sources offering an "or equal". Prior to a vendor being considered, a sole source letter from the manufacturer must be on file with the purchase order and/or contract, detailing its sole source status. Procurement by this method must be documented by an explanation of: (i) the unique nature of the requirement; (ii) the basis upon which it was determined that there is only one known vendor able to meet the need, i.e., the steps taken to identify potential competitors; and (iii) the basis upon which the Department determined the cost to be reasonable, i.e., a "fair market price" that could be anticipated



had normal competitive conditions existed, and how that conclusion was reached.

The Department must gain approval for the sole source from the Purchasing Department. The request may be reviewed with the County Administrator and/or County Attorney for final approval.

A **Single Source** could be a distributor/wholesaler/retailer that has a contractual agreement for a specific territory to the exclusion of others. Should you have a situation involving a single source supplier, a letter from the manufacturer must be on file with the purchase order and/or confirming the single source status.

### **Commodities**

- Is available from only one source (e.g., proprietary to a manufacturer, distributor, and/or reseller, etc.).
- Is the only brand that meets the qualifications or specifications of the end user.
- Is a brand that must match or is compatible with an existing system, and cannot be substituted without replacing the system, resulting in significant costs to the County.
- If purchased, will avoid other costs (e.g., data conversion, training, purchase of additional hardware).
- Is needed on an emergency basis, and time does not permit a solicitation.

### **Consulting Services:**

- No other vendor offers a service or employs personnel meeting the minimum requirements.
- The department's required time frame for project completion is critical and cannot be exceeded without extreme hardship.
- The cost to continue with the same consultant is less than the cost for any other consultant due to the time necessary to get up to speed (learning curve) with the project.
- A unique and proprietary solution has been offered which is determined to be in the best interest of the County.

## **STANDARDIZATION**

General Municipal Law Section 103 makes it possible for the County to standardize on a particular type of material or equipment. The standardization resolution must be approved by at least two-thirds of all Board members, and must state that for reasons of efficiency or economy there is a need for standardization. The resolution will contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements.

Standardization, as the word implies, restricts a purchase to a specific model or type of equipment or supply, but does not limit the vendors it can be purchased from.

\*\*The use of Standardization should be reviewed annually on a case-by-case basis to be sure the original justifications still exist. \*\*

## **AUTHORIZING THE USE OF BEST VALUE AWARD METHODOLOGY IN THE COMPETITIVE BIDDING PROCESS**

### **(Adoption of Local Law No. 2-2015)**

Purchase contracts (including contracts for service work, but excluding any purchase contracts for the completion of a public works project pursuant to Article 8 of the Labor Law) may be awarded on the basis of best value, as defined in Section 163 of the State Finance Law and as authorized in Section 103 of the General Municipal Law, to a responsive and responsible offeror. When the bid specifications state that the bid will be awarded on the basis of "best value," the specifications will also include the criteria that will be

used to award the bid. In assessing best value when awarding a purchase contract, non-price factors may be considered. Non-price factors can include, but are not limited to, environmental benefits, energy efficiency, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts. The basis for a best value award, however, must reflect, whenever possible, objective and quantifiable analysis. The basis for a best value award may also identify a quantitative factor for offerors that are small businesses or certified minority- or women-owned business enterprises as defined in Section 310 of the Executive Law.

If a Department determines it is in the best interest of the County to award based on Best Value, the use of awarding by Best Value must be approved by the County Administrator and County Attorney prior to any bid documents being issued to prospective bidders. The County's intention to award by Best Value must be clearly explained in the bid specifications.

Factors that can be used to justify an award on the basis of best value include:

1. Lowest cost of maintenance for good(s) or service(s)
2. Durability of good(s) or service(s)
3. Higher quality of good(s) or service(s)
4. Longer product life of good(s) or service(s)

### **PURCHASES FROM COOPERATIVE CONTRACTS**

Many vendors that the County currently does business with are able to offer pricing from contracts awarded by a National Purchasing Cooperative. These contracts are similar to a contract awarded by the State (OGS) or County. Use of these contracts does not require additional quotes to be obtained.

Examples of Vendors that have been on a Cooperative Contract: Grainger, Toshiba, Sherwin-Williams, Advance Auto Parts, Graybar, Home Depot, Amazon Business, Dell, Kronos, Staples.

Cooperatives that have been used by Livingston County: Sourcewell, OMNIA Partners National Contract, NYS OGS, General Services Administration (GSA).

Prior to accepting pricing and making a purchase from a vendor offering pricing from a Cooperative Contract, approval to use the contract must be obtained from the Purchasing Department and/or the County Attorney. The Cooperative and the contract they are offering pricing from will be approved for Departmental use if the contract meets the requirements of the General Municipal Law.

The criterion used to determine if the contract meets the requirements is outlined on the following page. This form must be completed by the Department and uploaded into ERP with the Purchase Order and/or contract.



## **PURCHASE OF VEHICLES AND EQUIPMENT**

The purchase of any vehicle or equipment in excess of \$20,000.00, regardless of the source it is being procured from, must be approved by the Department's Home Committee, the Ways and Means Committee, and the Board of Supervisors prior to the Department taking ownership of the vehicle or equipment. The Board resolution number must be referenced when creating the Purchase Order.

Vehicles are to be purchased by one of the following methods:

- Bids awarded by another municipality for the exact same vehicle;
- By issuing a County bid solicitation;
- An awarded OGS contract; or
- Using the NYS OGS Vehicle Marketplace.

### **EMERGENCY PURCHASES / CONFIRMING PURCHASE ORDERS**

**Emergency Purchase** - General Municipal Law Section 103(4) clearly states, "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 or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein." There must be a necessity for immediate action.

When a Department has an urgent situation, the following procedures must be followed:

- a. Prior to calling the Purchasing Department, the Department should be prepared to supply the following information:
  1. The reason the purchase is urgent.
  2. The Department name and budget code.
  3. A complete description and accurate cost of the item to be purchased.
  4. The name and address of the vendor from whom the goods are to be purchased.
- b. The Department will verify the necessary budgetary appropriation.
- c. The Purchasing Department, in conjunction with the County Administrator, if necessary, will determine if the purchase is in fact urgent.
- d. If it is determined that an urgent situation does exist, the immediate availability of the required goods or services will be given prime consideration in the selection of the vendor.
- e. The Purchasing Department will verbally approve the purchase of emergency orders.
- f. The ordering Department will request a Purchase Order through the ERP System and provide the required information. The Purchase Order type is to be marked "Confirming" and entered into the ERP system as soon as possible.
- g. The individual who picks up the items from the vendor must obtain an extended invoice containing:
  5. Quantity and description of items purchased.
  6. The unit and total cost.
  7. The Purchase Order number assigned by the Purchasing Department after the confirming order is issued.
  8. Signature of the person receiving the goods.

The Purchasing Department will not approve a confirming Purchase Order when the purchase is not justified, where the purchase is being made to circumvent established procedures, or where there is lack of proper planning.

## **PURCHASE ORDER PROCEDURES**

A Purchase Order request with all required documentation attached is to be entered into the New World Enterprise Resource Planning (ERP) System. The User Guides for this system can be found at:  
[\\gcfs1\public\ERP\lc\\_manuals](\\gcfs1\public\ERP\lc_manuals)

A Purchase Order will be approved by the Purchasing Department, in the ERP system, when it has been determined the request meets the criteria established under the Purchasing Policy Limits and Guidelines set forth on page 4-5.

All Purchase Orders must be completed, via the A/P process found in the User Guide, once the goods and/or services are received. All P-Card purchases that require a Purchase Order must be completed via the Change Purchase Order process.

## **USE OF COUNTY CREDIT CARD (P-CARD)**

The County Purchase Card Policy can be found at:  
<http://geneseo2/pdfs/Purchasing%20Card%20Policy.pdf>

## **BLANKET PURCHASE ORDERS**

Blanket Purchase Orders are used to eliminate the need to issue separate Purchase Orders for groups of items that are purchased frequently from the same vendor. They permit a Department to purchase items of this nature on an "as needed" basis when there is no provision to maintain an inventory.

The amount of a Blanket Order should be based on information available in the records covering previous fiscal years and present Departmental needs.

Blanket Orders will be issued under the following circumstances:

- To vendors that Livingston County has entered into a contract with such as annual bids for supplies, State Contracts or any other type of approved contract.
- To vendors without a contract, for the occasional purchase of such items as may be necessary in the Department's day-to-day operations. Items may not be purchased in amounts which meet or exceed the competitive bidding requirements.

Requests for Blanket Orders will be issued on a case-by-case basis and will be rescinded if Purchasing Policy limits are exceeded.

Blanket Orders will be issued as needed to various vendors for the purchase of items considered an immediate need or for purposes of consolidating purchases.

Blanket Order requests are to be submitted the same as regular Purchase Orders through the ERP system.

Each Department **must** keep a record of these purchases to ensure they do not exceed the amount allowed by the Blanket Purchase Order. Any over expenditure, depending on the circumstances, may not be approved for payment. If it appears the amount on the Blanket Purchase Order may be insufficient to cover the time period allowed, The Purchasing Department should be contacted to review and determine if an additional Purchase Order is needed.

Purchase Orders may be issued on a case-by-case basis to cover overages when purchases exceed the amount

of the Blanket Order. A detailed explanation will be required. Continuous overages may not be approved.

### **RECEIPT OF GOODS – DEPARTMENT**

Upon County Departments receiving deliveries and before signing for delivery employees should make an inspection of the goods. If there are any discrepancies or damages noticed at the time of delivery the employee must note this on the delivery slip before signing for and accepting the delivered goods. This procedure will assist the County from incurring payments for damaged goods and/or goods not actually received.

Upon a Department's receipt of goods, if it is determined the goods are not what was initially ordered or not acceptable due to quality or some other reason, every attempt should be made by the Department to resolve the problem with the vendor. In the event that a resolution is not reached, a Vendor Complaint Memo (page 20) and all documentation should be forwarded to the Purchasing Department for immediate action. The Purchasing Department will work with the ordering Department to pursue all avenues to resolve the discrepancies that exist.

A claim submitted to Livingston County's Auditor, or designee, or payment will qualify when the following conditions are met:

- a. Itemized invoice with sufficient detail for audit.
- b. Accompanied by a copy of the Purchase Order.
- c. Proper budget codes.
- d. Proper vendor codes.

As standard business procedure, all vendors doing business with the County are entitled to prompt payment.

If the County Auditor, or designee, receives a claim for materials, supplies or services for which a Purchase Order was not issued, and the funds were not encumbered per policy, the County Auditor, or designee, in conjunction with the County Administrator will have the authority to nullify the payment of such claim.

### **COMPETITIVE BIDDING**

General Municipal Law Section 103 requires purchase contracts (equipment, materials, or supplies) exceeding \$20,000.00 (involving an overall expenditure by the County – not per Department) and public works contracts (services, labor, or construction) exceeding \$35,000.00 be awarded to the lowest responsible, responsive bidder or upon determination of best value, depending on which criteria is in the bid specifications after public advertising requesting submission of sealed bids.

It is the position of the State Comptroller's Office that competitive bidding is required when it is known or can be reasonably expected that the aggregate amount to be spent on purchases of the same or similar commodities, or on the same type of, or similar, public work, will exceed the monetary thresholds over the course of a fiscal year.

If the actual cost of any purchases (\$20,000.00) or public works projects (\$35,000.00) are uncertain but suspected to exceed the thresholds, discretion will be used and the bidding procedure will take effect.

The term "Public Works Contract" applies to those items or projects involving labor or both materials and labor. Under Article 8 of the New York State Labor Law, Prevailing Wage Rates apply when a laborer, workman or mechanic is employed. There is no minimum dollar amount. Purchasing will apply for the required Prevailing Wage Rate Schedule.

Requests for bid preparation are to be made directly to the Purchasing Department. The Requesting Department must allow a minimum of three (3) weeks for the preparation of the bid package by the Purchasing Department and for review by the County Attorney. The following information is required from the requesting department:

- a. Description of the items to be bid.
- b. What is to be included in the specifications. A sample or previously used specifications are to be included whenever available.
- c. Date when requesting Department requires the delivery of goods and/or services.
- d. List of suggested vendors when available.
- e. The adopted budget amount for the goods or services.

All bid packages for competitive bidding will be prepared by the Purchasing Department unless the Department receives approval from the Purchasing Director to prepare its own documents. All bids prepared by a Department must be sent to the Purchasing Department and the County Attorney for review and final approval prior to advertising for bidding. The requesting Department must submit the necessary information as outlined in the competitive bidding section of this policy.

After review and evaluation of the bid submissions by the Purchasing Director and the Department representative, a recommendation will be made to the Board of Supervisors for award of the bid after the following conditions are met:

- a. Sufficient appropriations within the Department's current budget.
- b. The award is made to the lowest responsible bidder meeting specifications.
- c. Rejection of the low bid must be documented and approved by the Purchasing Director, the County Attorney and the County Administrator.

Complete bidding records will be filed with the Purchasing Department unless a Department receives an exception. Any Department that receives an exception is responsible for the bid document.

### **GUIDELINES WHEN SERVICES ARE NEEDED AND COMPETITIVE BIDDING IS NOT REQUIRED**

#### **PROFESSIONAL SERVICES**

Contracts for professional services—are not subject to competitive sealed bidding requirements of General Municipal Law Section 103, but are subject to the guidelines of General Municipal Law Section 104-b and competitive pricing must be obtained for these services. Professional services and services requiring special or technical skill, training or expertise are not purchase contracts or contracts for public work as those phrases are used in the bidding statutes. Accordingly, these services are not subject to competitive bidding procedures. The determination of whether the professional services exception is applicable must be made on a case-by-case basis, examining the particular services to be acquired. The County Attorney or County Administrator will determine if the exception applies.

Generally, professional services involve specialized expertise, use of professional judgment and/or a high degree of creativity. The courts have noted that professional service contracts often involve a relationship of personal trust and confidence. Among the services which have been held to be exempt from competitive bidding under this exception include, but are not limited to, the following: physicians, psychiatrists, psychologists, pharmacists, engineers, surveyors, accounting firms, attorneys, architects, and individuals who supply a service that requires specific training to perform a task that is unique and not readily available

from most sources.

**Procedure when exception applies:**

When an exception to competitive bidding applies, such as in emergency or professional service procurement, the courts have generally held that an award must still be made in the best interests of the public. Therefore, in order to ensure that the taxpayers are best served by securing goods and services at the best price obtainable under the circumstances, in a fair and equitable manner, it will be the County's intent to seek competition either through the use of a Request for Proposals or by requesting written or verbal quotations.

A Department's decision to obtain services when competitive bidding is not required must be documented and justified to the County Administrator's satisfaction. The County Administrator will determine when the formal Request for Proposal process will be used or if quotes or proposals may be obtained from a specific vendor(s)/firm(s).

The information required for approval to request proposals for services that do not require competitive bidding shall include:

- a. A work statement or performance specification;
- b. Time frames in which the work is to be completed; and
- c. Specific criteria to be used in evaluating the proposal.

Request for Proposals/Qualifications may be advertised and posted on the County's website. The decision to advertise will be at the discretion of the County Administrator.

Request for Proposals will be issued by the Purchasing Department upon receiving all required documentation and approval from the County Administrator to issue the RFP.

The review committee, with such input as deemed necessary from the Purchasing Department, will evaluate the proposals received for completeness, accuracy and compliance with the RFP requirements.

Recommendations will be made by the committee as to which proposals to present to the appropriate Board committee for review and discussion. Justification as to the decision to present or not present specific proposals will be made as needed.

If appropriate, firms will be selected to make a presentation to the committee.

A final decision of award will then be made by the appropriate committee in a manner to assure the prudent and economical use of public money in the best interest of the taxpayers, to facilitate the acquisitions 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.

If a contract is awarded to a vendor that is not the lowest responsible vendor, the reason for such award must be justified and documented.

**PROFESSIONAL SERVICES WITH PREDETERMINED RATES**

As for professional services with payment rates established by the federal or state government, or when the Department intends to contract with all qualified providers, the Department may procure these services without the requirement of issuing a request for proposal.



## **INSURANCE**

Livingston County is a member of the New York Municipal Insurance Reciprocal (NYMIR), a not-for-profit insurance company. Barring recommendations to the contrary by the County Administrator, it is the County's intent to purchase insurance coverage from NYMIR, so long as NYMIR can provide insurance coverage to the County's satisfaction.

## **SECOND HAND EQUIPMENT**

County Departments are permitted to purchase surplus and secondhand supplies, materials or equipment without having to competitively bid so long as the Department is purchasing from the Federal or State government or from any other political subdivision or public benefit corporation within the State. Purchases of used items from any other source (e.g., private sources like auctions or going-out-of-business sales) are not exempt from bidding requirements.

## **ANNUAL REVIEW**

The Livingston County Board of Supervisors will annually review these policies and procedures. The Purchasing Department will be responsible for conducting an annual review of the Purchasing Policy and for an evaluation of the internal control structure established to ensure compliance with said Policy.

## **UNINTENTIONAL FAILURE TO COMPLY**

The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b will not be grounds to void action taken or give rise to a cause of action against the County of Livingston or any officer or employee thereof.

## **CONFLICT OF INTEREST**

No County officer or employee will have an interest in any contract with the County, when such employee has the power or duty to:

1. Negotiate, prepare, authorize or approve a contract or authorize or approve its payment.
2. Audit bills or claims.
3. Appoint an officer or employee who has any of the powers or duties set forth above.

"Contract" in this context refers to any claim, demand against or agreement with the County, either express or implied.

Any County officer or employee who has, will have, or acquires an interest in, any actual or proposed contract with the County, will publicly disclose the nature and extent of such interest in writing to the County Administrator as soon as he or she has knowledge of an actual or prospective interest. This written disclosure will be kept on file.

If any County officer or employee has reason to believe he or she may have a conflict of interest, the County Attorney should be contacted immediately.

## DISPOSITION OF SURPLUS ITEMS POLICY

**All requests to surplus any items owned by the County are to be made through the Laserfiche system regardless of the value or condition of the property.**

The disposal of obsolete and/or surplus items such as motor vehicles, furniture, and office equipment no longer in use by a County Department will be handled in the following manner:

- **Items with a value of \$1,000.00 or more and a useful life of more than one (1) year** must be declared surplus by Board Resolution. The request to declare surplus items will be forwarded from the Laserfiche system to the Clerk of the Board to prepare the resolution.
- **Items considered to have no useful remaining life or a value of under \$1,000.00** are to be processed through the Laserfiche system. No Resolution is required.
- Every vehicle being declared surplus must have a vehicle condition report completed by the Highway Shop Manager.

Departments will be notified of items declared surplus that may be of use to their Department. Towns and Villages may then be notified of the available items not requested for re-use by County Departments. A bid document for the Sale of the Surplus Items may be drafted and sent to all Towns and Villages. A minimum bid or reserve may be established for the surplus items and included in the bid documents.

The County Administrator will determine the best way to dispose of all of the remaining items. The items will be disposed of in one of the following ways:

- The items may be offered for sale or donation to other municipalities.
- An advertisement will be placed in the designated newspapers in the form of a legal notice listing the items for sale through a sealed bid process.
- The surplus items will be sold through a public auction.
- The surplus items will be disposed of in an appropriate manner.

**Items that have been declared surplus by Board Resolution can be confirmed by referring to the approved resolutions.**

## SALE OF SCRAP

County Departments that produce scrap metals or other materials through normal operations or dispose of "junked" assets and equipment that contain metal or other materials that possess scrap value are responsible for disposing of the materials in a manner which is environmentally responsible and in the best financial interests of the County. Prior to their disposal, all fixed assets must be declared as surplus items according to the Livingston County Purchasing Policy.

Any County Department that disposes of scrap materials shall maintain accurate records for all transactions including weight slips, invoices and receipts. County employees shall not receive cash for any transaction involving the disposal of scrap materials. Scrap processors and vendors shall be required to make payment via check or other electronic transaction directly with the Livingston County Treasurer's Office.

County Departments should deliver scrap materials to processors and vendors as frequently as possible. When the storage or accumulation of scrap materials is required, County Departments shall make every effort to secure and control these items from access by the public or from unauthorized employees.

Each Department Head shall be responsible for designating employees that are authorized to collect, handle and process scrap materials. These employees shall be briefed on scrap materials policies and procedures. Only authorized employees shall deliver scrap materials to processors and other vendors. Employees will be required to show employment identification (i.e. County ID Badge) to scrap processors proving they are dealing scrap on behalf of the County. Authorized employees shall also be required to notify the County when disposing of scrap materials under personal or private transactions.

### **VENDOR PROTESTS**

Attempts will be made to be sure bid specifications, terms and conditions are thorough and correct. All appropriate steps will be followed when determining award of a bid package. Even with careful evaluation, vendor protests may be inevitable at times.

All vendor complaints will be directed to the Purchasing Department.

The following guidelines will be followed when responding to a vendor's protest:

- a. Complaints must be in writing.
- b. Complaints must contain the following information:
  - name, address and telephone number of the protester;
  - the signature of the protester or its representative;
  - identification of the bid package;
  - detailed statement of the legal and factual grounds of the protest, including copies of relevant documents; and
  - form of relief being sought.
- c. Complaints must be filed within five (5) days of the recommendation of the award.
- d. When a protest is first received, an immediate attempt will be made to contact the vendor to discuss the issue. The Purchasing Department will attempt to provide the protester with a thorough explanation of the evaluation factors.
- e. The Purchasing Department in conjunction with the County Administrator and County Attorney will prepare a written protest decision within five (5) business days of receiving a complete written protest.

**VENDOR COMPLAINT MEMO**  
(This form is to be completed by the County Department)

Date	
Department	
Contact Person	
Vendor Name	
Items Purchased	

Problem Complaint:

Delayed Delivery

Inferior Product

Other

Explanation In Detail:

Vendor Response and Resolution: (if available)

Is The Resolution Acceptable To The Department? \_\_\_\_\_

(If no, the completed form is to be sent to Purchasing for review and resolution.)