

ONEIDA COUNTY SPORTS FACILITY AUTHORITY PURCHASING POLICY

This Resolution sets forth the policy and procedures of the Oneida County Sports Facility Authority (hereinafter the “Authority”) to meet the requirements of General Municipal Law, section 104-b.

PURPOSE

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers; 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 Board of the Authority (hereinafter the “Board”) is adopting an internal policy and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special, or local law.

PROCEDURES FOR DETERMINING WHETHER PROCUREMENTS ARE SUBJECT TO BIDDING

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

Authorizations and Purchasing Limit

Purchase(s) less than \$1,000. Any completed Purchase Order(s) must be signed and dated by the preparer and approved by the Board Chairman, no matter the amount, before it is deemed effective. The Board Chairman is authorized to enter into any contract(s) on behalf of the Authority in any amount(s) less than \$1,000.00.

Open purchase orders. Open purchase orders can be requested for routine purchases totaling under \$500. Open purchase orders may be kept on file with local merchants to assist in the procurement of everyday items. The open purchase order will not be used for items costing over \$500. A separate Purchase Order must be made for those items costing more than \$500 with prior approval obtained consistent with the Purchasing Policy.

Purchase(s) more than \$1,000. Any contract(s) in an amount exceeding \$1,000.00 must be reviewed and approved by the Authority counsel, the Chairman, and a majority vote by the Board. These requirements shall also apply to the renewal(s) of any existing contract(s).

Emergency Purchases. The only instances in which this policy will not apply is in emergency situations where immediate procurement may be necessary to prevent delays in critical agency

activities or such delays may vitally affect the life, safety, or health of individuals served. The process for emergency purchases requires a written purchase request be completed to begin procurement.

Purchase(s) requiring bids. Any Authority purchase(s) of goods, services, and/or equipment which will exceed \$20,000 in one fiscal year, and any contract(s) for any time interval exceeding \$35,000 shall be formally bid using Section 103 of the New York General Municipal Law for parameters. Subject to the requirements herein, the following provisions shall be observed in connection with Authority purchases:

- 1) Any purchase(s) of good(s), service(s), and/or equipment estimated to cost:
 - a) Less than \$20,000 but greater than \$3,000 shall require written/fax/email quotes from 3 vendors;
 - b) Less than \$3,000 but greater than \$1,000 require oral/fax/email quotes from 2 vendors;
 - c) Less than \$1,000 are left to the discretion of the Purchaser, subject to the requirements of this policy.

- 2) Any construction and/or demolition contract(s) in an estimated amount of:
 - a) Less than \$35,000 but greater than \$10,000 shall require a written request for proposals and written/fax/email proposals from not less than three (3) qualified contractors;
 - b) Less than \$10,000 but greater than \$500 shall require a written request for proposals and written/fax/email proposals from two (2) qualified contractors;
 - c) Less than \$500 are left to the discretion of the Purchaser.

- 3) Any written request for a proposal shall describe the desired purchase(s) and/or service(s) sought. The Board shall compile a list of any qualified contractor(s) and/or vendor(s) from whom written/fax/oral/email quotes have been requested and the written/fax/oral/email quotes offered. All information gathered in complying with the procedures of this policy shall be preserved and filed with the documentation supporting any subsequent purchase(s) and/or contract(s).

- 4) The lowest responsible proposal or quote shall be awarded the purchase(s) and/or contract(s) unless the Board Chairman prepares a written justification providing reasons why it is in the best interest of the Authority and its constituents to make award the contract to one other than the contractor or vendor who submitted the lowest bid. For the purposes of the Purchasing Policy, “responsible” shall mean one whose business and financial capabilities, past performance, and reputation support that the bidder is fully capable and qualified to perform the work, and/or provide the goods and/or services sought. If any contractor(s) and/or vendor(s) is/are not deemed responsible, facts supporting that determination shall also be documented and filed with the record supporting the relevant procurement(s).

- 5) A good faith and duly diligent effort shall be expended to obtain the required number of proposals or quotations, pursuant to the Purchasing Policy. If the required number of proposals or quotations cannot be obtained following a duly diligent effort undertaken in good faith, the

Board Chairman shall document the effort undertaken to obtain such proposals or quotations. Under no circumstances shall the inability by the Authority to obtain any number of proposal(s) or quote(s), by itself, function as a bar to a particular purchase or procurement, provided the requirements herein have been satisfied.

- 6) Except when directed by the Board, no solicitation of written proposals or quotations shall be required for the following types of procurements or circumstances:
 - a) Acquisition of professional services;
 - b) Emergencies in which time is a crucial factor;
 - c) Sole-source situations;
 - d) Goods purchased from agencies for the blind or severely handicapped;
 - e) Goods purchased from correctional facilities;
 - f) Goods purchased from another governmental entity;
 - g) Goods purchased at auction; and
 - h) Goods or services purchased for less than \$500.

STATUTORY EXCEPTIONS TO QUOTATIONS/PROPOSALS REQUIREMENTS OF THIS POLICY AND PROCEDURES

Except for procurements made pursuant to General Municipal Law, section 103 (3) (through certain county contracts), section 104 (through certain State and Federal contracts), State Finance Law, section 162, Correction Law, sections 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

AFFIRMATIVE CONSIDERATION OF MINORITY, SMALL BUSINESS, AND WOMEN-OWNED BUSINESSES

Whenever and to the fullest extent reasonably possible, positive efforts shall be made by the Authority to utilize local small businesses, minority-owned firms, and women’s business enterprises. The following steps shall be taken in furtherance of this goal:

- 1) Ensure that small business, minority-owned firms, and women’s business enterprises are used to the fullest extent practicable.
- 2) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small local business, minority-owned firms and women’s business enterprises.

- 3) Consider in the contracting process whether firms competing for larger contracts tend to subcontract with small local businesses, minority-owned firms and women's business enterprises.
- 4) Encourage contracting with consortiums of small local businesses, minority owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
- 5) Use the services and assistance, as appropriate, of such agency as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the minority-owned firms and women's business enterprises.

RIGHT TO AUDIT

It shall be strict Authority policy to require a "Right to Audit" clause in any contract(s) between the Authority and any vendor(s) that either; 1) take any form of temporary possession of any asset(s) directed for the Authority, or 2) process data that will be used in any financial function of the Authority. This Right to Audit clause shall permit access to and review of all documentation and processes relating to the vendor's operations that apply to the Authority as well as all documents maintained or processed on behalf of the Authority for a period of three years. The clause shall state that any such audit procedures may be performed by Authority designee and/or any outside auditor(s) and/or contractor(s), as designated by the Authority, solely in its discretion.

VENDOR / SUBCONTRACTOR FILES AND REQUIRED DOCUMENTATION

The Authority Treasurer shall create a vendor folder for each new vendor / subcontractor from whom the Authority purchases goods or services. Upon making the initial purchase from any vendor(s) (regardless of whether a contract is involved), the Treasurer will request a completed and signed Form W-9 from that vendor, or provide equivalent, substitute information. Completed, signed Forms W-9 or substitute documentation shall be filed. Any vendor(s) who fail(s) to return a completed, signed Form W-9 or provide equivalent documentation shall be issued a Form 1099 at the end of each calendar year in accordance with the policies of the Authority.

ETHICAL CONDUCT IN PURCHASING

Ethical conduct in managing all Authority purchasing activity is essential. Authority personnel must always be mindful that they represent the Authority Board and share a professional trust with other staff and the public. Authority personnel shall discourage the offer of, and decline, individual gifts, or gratuities of value in any way that might influence the purchase of supplies, equipment, and/or services. Authority personnel shall promptly notify the Chairman if offered such gifts.

CONFLICTS OF INTEREST PROHIBITED

No Officer, Director, Employee, contractor, and/or Agent of the Authority shall participate in the selection or administration of a vendor if a real or apparent conflict of interest would be involved. Such a conflict would arise if an Officer, Director, Employee, and/or Agent of the Authority, or any member of his/her immediate family, his/her spouse/partner, or any entity(ies) that employ(s)

or is about to employ any of the parties indicated herein, has a financial, and/or any other interest(s) in the vendor selected.

Officers, board members, employees and agents of the Authority shall neither solicit nor accept gratuities, favors, or anything of monetary value from vendors or parties to sub-agreements. However, unsolicited gifts of a nominal value of \$25.00 or less may be accepted with the approval of the Board Chairman.

PROCUREMENTS UNDER AWARDS

Procurement of goods and services whose costs are charged to any grants or awards received by the Authority are subject to all requirements of the Purchasing Policy, as described hereinabove, as well as the following supplemental policies:

- 1) The Authority shall avoid purchases that are not necessary for the performance of the activities required by any award(s).
- 2) Where appropriate, an analysis shall be made of any available lease and purchase alternative(s) to identify the most economical and practical procurement for the government.
- 3) Documentation of the cost and price analysis associated with each procurement decision shall be retained in the procurement files pertaining to any award(s).
- 4) For all procurements in excess of the federal “small purchase acquisition threshold” (and/or such amount(s) established by New York State law, if any) procurement records and files shall be maintained the include all of the following:
 - a) The basis for contractor selection;
 - b) Justification for lack of competition when competitive bids or offers are not obtained; and
 - c) The basis for award cost or price.
- 5) The Authority shall make all procurement files available for inspection upon request by any Awarding Agencies.
- 6) All contracts with vendors shall require the vendor to certify in writing that it has not been suspended or disbarred from doing business with any federal agencies.

No Authority Officer, Employee, contractor and/or Agent shall participate in the selection, award, or administration of a contract supported by grant funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the Officer, Director, Employee, and/or Agent, and/or any member of her or his immediate family, his or her partner, or an Agency which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

RECEIPT AND ACCEPTANCE OF GOODS

All departments or designated individual shall inspect all goods received. Upon receipt of any item from a vendor, the following actions shall immediately be taken:

- 1) Verify the quantity of boxes/containers with the packing slip.
- 2) Examine boxes/containers for exterior damage.
- 3) Note on the packing slip any discrepancies (missing or damaged boxes/containers, etc.).
- 4) Sign and date the packing slip and deliver to the treasurer
- 5) Retain a copy of the packing slip and send original to financial official immediately

When goods are moved to another area for thorough inspection, the following inspection procedures shall be performed by the Chairman or his designee:

- 1) Remove any packing slip(s) from each box/container.
- 2) Compare the description and quantity of goods per the Purchase Order with that of the packing slip.
- 3) Examine goods for physical damage.
- 4) Count and/or weigh items, as appropriate.
- 5) Record an indication of counts on the Purchase Order.

It is the policy of the Authority to perform the preceding inspection procedures promptly to facilitate the timely return of goods and/or communication with vendors when necessary.

REAL PROPERTY CONTRACTS

Prior to execution of any contract(s) for any interest(s) in real property, the Authority shall first obtain the Chairman's approval of any such contract(s). Upon the Chairman's approval, the prospective contract(s) shall then be referred to the Authority counsel for review and approval. Upon approval of the Authority counsel, the proposed contract(s) shall then be referred to the Authority Board of Directors for approval and resolution.

INPUT FROM OFFICERS

Comments have been solicited from officers of the County of Oneida prior to the enactment of this policy and procedures, and will be solicited from time to time hereafter.

ANNUAL REVIEW

The Board shall annually review and, when needed, update this policy and procedures. The Chairman shall be responsible for conducting an annual evaluation of the effectiveness of the procurement policy and procedures and an evaluation of the control procedures established to ensure compliance with the procurement policy, and shall be responsible for reporting back to the Board.

UNINTENTIONAL FAILURE TO COMPLY

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

Resolution

Adopted on July 1, 2022 by unanimous vote of the Board of the Oneida County Sports Facility Authority.