

MONROE COUNTY PROCUREMENT POLICY

1. Background

This policy has been developed to ensure that Monroe County is in compliance with New York State General Municipal Law concerning the procurement of goods and services as defined herein.

In accordance with New York State General Municipal Law §103, all purchase contracts involving an expenditure of more than \$20,000¹ and all contracts for public works involving an expenditure of more than \$35,000² must be publicly bid. This policy prescribes the manner in which expenditures for purchase contracts and public works contracts not subject to public bidding requirements are awarded, as well as contracts for professional services, which are not subject to public bidding requirements, and which are subject to approval by the County Legislature and/or the County Executive. This policy supersedes any policy previously issued and approved.

Goods and services that are not subject to competitive bidding must be procured in a manner as to assure the prudent and economical use of public funds 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. These internal policies and procedures are updated annually and apply to all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law §103 or of any other general, special or local law.

2. Guidelines for Securing Competitive Quotations for Purchase and Public Works Contracts

All County employees involved in the procurement process shall follow this policy for all purchase and public works contracts of \$20,000 or less.

All purchases of twenty-five dollars (\$25) or less may be made directly with petty cash, subject to the Petty Cash Guidelines established by the Monroe County Controller.

Purchases of commodities above twenty-five dollars (\$25) up to and including one thousand dollars (\$1,000) may be made at the discretion of the various departments. The purchase of infrequent and limited services, such as repairs and maintenance, above twenty-five dollars (\$25) up to and including one thousand dollars (\$1,000) may be made at the discretion of the various departments. A written cost quotation shall be obtained before any purchase and shall be maintained by the requesting department. This policy recognizes that the potential cost savings from competition can be quickly outweighed by the costs inherent in seeking multiple quotations.

For all purchase and public works contracts over \$1,000 up to and including \$20,000, the County will seek to secure at least three (3) legitimate and competitive written quotations, and shall make an award based on the lowest responsive and responsible quotation. Any deviation from this policy shall have written justification from the Purchasing Manager and shall be included in the procurement record.

Purchase and public works contracts that exceed \$20,000 shall be procured through sealed public bid. Public works contracts in excess of \$20,000 may be subject to approval by the Monroe County Legislature and/or the Monroe County Purchasing Manager.

3. When Competitive Bidding May Not Apply

In accordance with General Municipal Law, there are instances in which public bidding is not required. These instances include:

- purchases through New York State contracts

1 Chapter 56 N.Y. Laws of 2010

2 Chapter 494 N.Y. Laws of 2009

- commodity and installation/repair purchases through federal, state, county or political subdivision contracts³
- purchases made by Monroe Community Hospital (MCH) through group purchasing organizations pursuant to Public Health Law
- items to be purchased from a “sole source”
- items procured through a “true lease”
- surplus supplies, materials or equipment purchased from another governmental or public benefit entity
- supplies, materials or equipment purchased from state correctional institutions or from qualified charitable not-for-profit agencies for the blind or disabled
- purchases or public works required in an emergency, subject to the requirements of the emergency purchase order procedures
- standardization of an item as approved by the County Legislature
- energy performance contracts
- professional services contracts

4. Professional Services

Professional services are not subject to public bidding requirements but are subject to approval by the Monroe County Legislature and/or the County Executive. Professional Services generally include services rendered by architects and engineers, and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a high degree of creativity. Insurance coverage (health, fire, liability and workers’ compensation) is considered a professional service. General guidelines for determining professional services are as follows:

- a) Whether the services are subject to State licensing or testing requirements;
- b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services;
- c) Whether the services require a relationship of personal trust and confidence between the contractor and municipal officials.

All RFP/RFO/EOI must comply with the Department of Finance, Division of Purchasing’s current Procedures for Service Contracts. This includes but not limited to scoring all RFP/ RFQ/ EOI on Minority and Women Owned Business Enterprises (MWBE) Utilization, Disadvantaged Business Enterprise (DBE) Utilization, Veteran-Owned Small Business (VOSB) and Service-Disabled Veteran-Owned Small Business (SDVOSB) and Local Office.

All County employees involved in the procurement process shall follow this policy for all professional services agreements.

For all professional services agreements of \$20,000 or less, a Request for Proposals (RFP), Request for Qualifications (RFQ) or Expression of Interest (EOI) is not required but may be used when practical. A written proposal, quotation or statement of work shall be obtained by the requesting department.

For all professional services agreements greater than \$20,000, an RFP, RFQ, or EOI is required unless waived by the County Executive or her designee. A waiver may be issued only in the event of a public emergency, as defined under General Municipal Law or the New York State Defense Emergency Act. The County Executive or her designee shall notify the Monroe County Legislature within 90 days of the issuance of any waiver.

Professional services contracts in excess of \$20,000⁴ are subject to approval by the Monroe County Legislature.

³ Chapter 308 N.Y. Laws of 2012

⁴ Monroe County Local Law #2 of 2014

5. **Vendor Contacts**

A firm, individual or other entity that reviews a County-created public bid document, RFP, RFQ or EOI in draft or final form prior to issuance may not submit a response on such subject matter, or serve as a subcontractor or consultant to a responding firm, individual or other entity for the first five years of the contract period.

A firm, individual or other entity, or a subcontractor or consultant thereto, may not have substantive contact with a County employee or officer, but for the Purchasing Manager or his or her designee, concerning the subject matter of a public bid, RFP, RFQ or EOI during a restrictive period beginning thirty (30) days prior to the issuance of said public bid, RFP, RFQ or EOI and continuing until the selection committee has made a selection or the bid has been opened and the results made public.

No County employee or officer, but for the Purchasing Manager or his or her designee, may have any substantive contact with a responding firm, individual or other entity, or a subcontractor or consultant thereto, concerning the subject matter of a public bid, RFP, RFQ or EOI during a restrictive period beginning thirty (30) days prior to the issuance of a public bid, RFP, RFQ or EOI and continuing until the selection committee has made a selection or the bid has been opened and the results made public.

Prior to serving on any RFP, RFQ or EOI selection committee, all members thereof must affirm in writing that they have had no substantive contact with any responding firm, individual or other entity, or a known subcontractor or consultant thereto, concerning the subject matter of a procurement, for the thirty (30) days prior to the issuance of a RFP, RFQ or EOI to the present, and that they will continue to have no substantive contact therewith until the selection committee has made a selection.

Violations of this policy must be reported in writing to the Purchasing Manager by any County employee or officer with knowledge of the violation. Any County employee or officer who violates this policy will be subject to disciplinary action, up to and including, termination of employment.

Violations of this policy by a firm, individual or other entity, or a subcontractor or consultant thereto, may result in the exclusion of any response to a public bid, RFP, RFQ or EOI submitted on their behalf and/or debarment from responding to a County-issued procurement process for up to five (5) years. Any contract or agreement entered with a firm, individual or other entity subsequent to a violation of this policy during the procurement process is null and void.

6. **Exceptions**

Contracts for the procurement of all supplies, services, materials, equipment and public works entered into by Monroe County that involve the expenditure of federal or state funds, shall be conducted in accordance with any mandatory applicable regulations of the funder.

Exceptions to this policy shall only be made upon the written approval of the County Attorney.

7. **M/WBE Local Law**

On June 8, 2021, the Monroe County Legislature adopted, and on July 8, 2021, the Monroe County Executive approved, a local law entitled "Gantt's Law for Utilization of Minority and Women-Owned Businesses." Gantt's Law is intended to promote and encourage the utilization of minority and women-owned business enterprises in procurement by the County of Monroe and establish clear guidelines for what constitutes a minority and women-owned business enterprise, create a directory of minority and women-owned business enterprises, expand the use of minority and women-owned business enterprises in all areas of County procurement, institute reporting guidelines, conduct training for minority and women-owned business enterprises, and set new goals for the use of minority and women-owned business enterprises in County procurement. The requirements of Gantt's Law are hereby incorporated by reference in this Procurement Policy.

The Department of Finance, Division of Purchasing shall work with the Department of Diversity, Equity and Inclusion to implement Gantt's Law and the rules and regulations promulgated by the Director of the Department of Diversity, Equity and Inclusion with respect to all applicable contracts.

8. **Purchasing Authority**

In accordance with Monroe County Local Law #3 of 1989, the Purchasing Manager is responsible for purchasing in Monroe County.

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