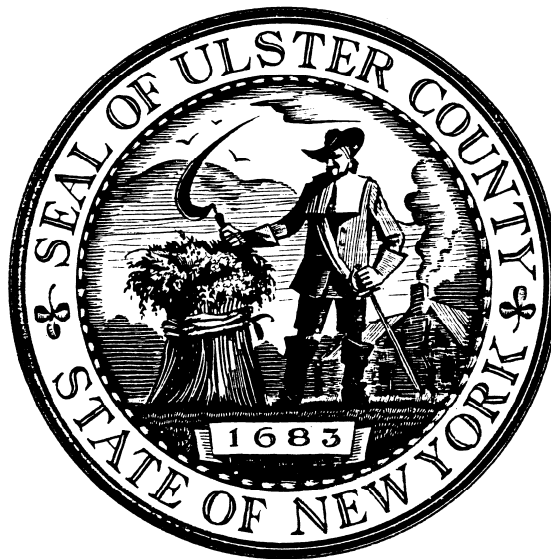


***PROCUREMENT MANUAL***  
**ULSTER COUNTY PURCHASING**  
**DEPARTMENT**

**Michael P. Hein, County Executive**



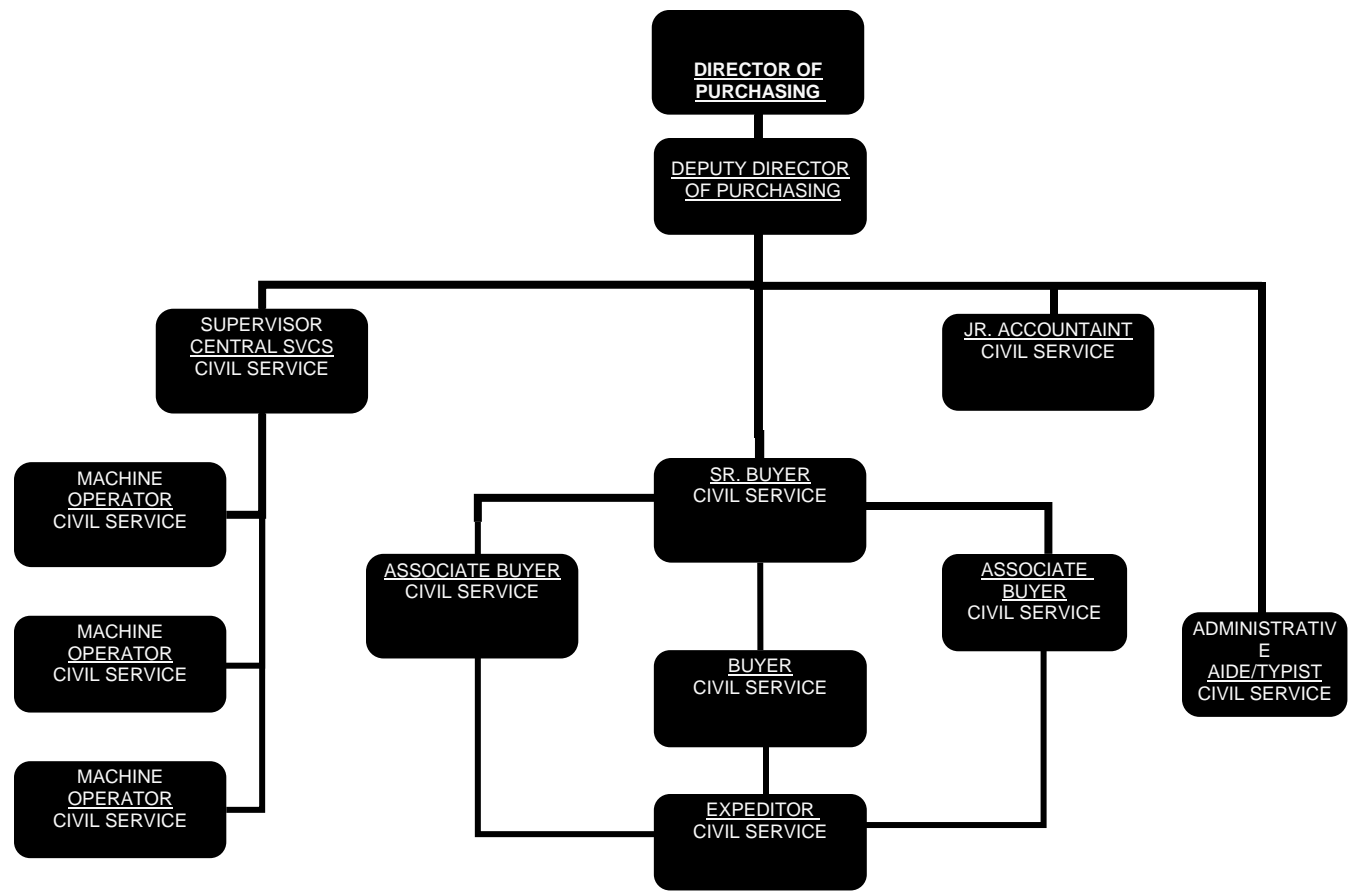
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Director of Purchasing

s:purchasingproceduresmanual/updated08/09

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# Purchasing Organization Chart



# ULSTER COUNTY DEPARTMENT OF PURCHASING

## PROCUREMENT POLICY AND PROCEDURES

### SECTION I. INTRODUCTION

It is the intent of this manual to explain to users what the Department of Purchasing (hereinafter "Purchasing") does and to provide users with information that will enable them to make the most effective use of the services offered by Purchasing. It is suggested that you read this document closely, ask any questions that you feel necessary to increase your understanding of the purchasing process, and refer to it as frequently as you need to in the course of carrying out your daily responsibilities. This manual is reviewed and updated annually.

#### A. MISSION:

Purchasing shall promote the County's best interest by providing a professional purchasing system of quality and integrity whereby all persons involved in public purchasing are treated fairly and equitably, the value of public funds are maximized and a sufficient supply system is available for all departments/agencies.

Purchasing will implement and maintain the purchasing system in full accordance with the requirements set forth in the General Municipal Law of the State of New York, with such local laws as passed by the Ulster County Legislature, and/or with such directives as issued by the Ulster County Executive. Purchasing shall conduct the procurement system for the County in a cost effective, objective manner, devoid of favoritism or special interest influence.

#### B. GOALS:

The goal of Purchasing is to make the purchasing process as competitive and objective as possible, while striving to promote high standards for all business relationships.

#### C. OBJECTIVES:

Purchasing's objectives are to obtain, on a timely basis, quality products and services as economically as possible, as well as to satisfy the specific needs of our various departments. We endeavor to assure that the taxpayers receive the maximum value for each dollar expended. The established purchasing objectives center on the need for efficient and effective operations which are responsive to users' needs, and practices which promote sound purchasing management and render the greatest value for the County taxpayer's dollars. With this in mind, Purchasing is charged with accomplishing the following objectives:

- Promote timely procurement of supplies, equipment and services necessary to the daily operation of the County.

- Promote prudent spending of County funds by obtaining maximum value for purchasing dollars spent by ensuring competition. Promote fair and open competition among vendors in an impartial manner.
- Promote buying techniques that encourage economies of scale, thereby ordering materials and services in large quantities when applicable.
- Provide guidance, oversight, and problem resolution to County departments, and ensure compliance with County purchasing policies and procedures.
- Simplify, clarify, and streamline the procurement process of the County. Make the purchasing policies and procedures practiced by the County as consistent as possible.
- Ensure fair and equitable treatment of all persons/vendors who deal with the County.
- Ensure that all interested suppliers understand how to do business with the County.
- Maintain liaison with vendors providing goods/services to the County, including the resolution of complaints regarding those goods/services.
- Treat all prices and technical information submitted by suppliers as confidential when appropriate, in order to preserve a good business reputation and obtain competitive prices.

#### **D. PURCHASING DEPARTMENT'S RESPONSIBILITIES**

- Purchasing's charge is to provide efficient service to the departments in the procurement of goods and services that are of the best value from responsible vendors. It is Purchasing's responsibility to handle all aspects of the procurement process, including the identification and development of sources, assistance to departments in the development of specifications, solicitation of bids, proposals, and quotations and interacting with vendors.

#### **E. DEPARTMENT RESPONSIBILITIES**

Expenditures should be planned sufficiently in advance to allow Purchasing to obtain the best price and/or overall service.

Purchase orders are based on information and specifications shown on the requisition. Care should be taken so that specifications are adequate to allow someone with little or no knowledge of the merchandise to place the order properly. When requesting parts for machines or equipment, a manufacturer and part number or model number of the unit the parts are for, should be stated on the requisition.

Purchases to be made with grant money should be planned well in advance of the expiration date of the grant. The department shall immediately notify Purchasing what commodities need to be purchased with the grant money to allow for a cost effective purchase and prompt payment. Notifying Purchasing in a timely manner will help ensure that grant money will not be lost.

Employees who are involved in their department's procurement process are to familiarize themselves with these policies and procedures. Supervisors are to ensure that new employees have read these policies.

No purchase shall be divided for the purpose of bringing the value of the order down to avoid using more stringent purchasing methods or restrictions, or to avoid statutory competitive bidding requirements.

## **SECTION II. PURCHASING PROCEDURES**

### **A. GENERAL**

1. Only the County Director of Purchasing may commit the County for a purchase. No purchase may be made without a purchase order signed by the Director of Purchasing or his/her designee.
2. The dollar amount of the purchase and/or the commodity/service being acquired is the basis for determining the correct purchasing procedure. This dollar amount is determined on a County-wide basis, not on a departmental basis. The use of commodity codes has enabled Purchasing to easily identify those commodities that require public bids.
3. The Director of Purchasing has the right to make alternative suggestions to the requisitioner if, in his/her judgment, the specifications would restrict competition, or otherwise preclude the most economical purchase of the required items.
4. When a low bidder proposes an alternative as "an equal" to that which was specified, the Director of Purchasing will consult with the department head or his/her authorized designee to determine the validity of the alternative.
  - a. In the event of any claim by any unsuccessful bidder concerning or relating to the issue of "equal or better" or "or equal", the successful bidder agrees, at his own cost and expense, to defend such claim or claims and agrees to hold the County of Ulster free and harmless from any and all claims for loss or damage arising out of this transaction for any reason whatsoever.
5. The Director of Purchasing is to be notified immediately, in writing, of any default in contractor performance. The Director of Purchasing shall review the issue and will contact the County Attorney for legal assistance if the Director of Purchasing deems it necessary or prudent.
  - a. Records are to be kept by department heads of vendor inconsistency and any evidence of unsatisfactory vendor performance during the course of any contract. This procedure should be followed each time a vendor does not perform to the standards of our bid or request for proposal.
6. Departments should plan purchases sufficiently in advance to allow Purchasing to obtain the best price and/or overall service.

7. Departments can send vendor price quotes to Purchasing once they have entered a requisition. Prior to the issuing of a purchase order, Purchasing will confirm all price quotes to verify accuracy. These quote numbers may be added as an F8 Comment on the requisition.

## **B. REQUISITIONS**

Purchasing receives requests for supplies, services and equipment from the departments through the County's financial system. The Purchasing staff reviews each requisition for completeness and determines the correct purchasing procedures for that order.

After reviewing the requisition, the buyer selects the correct processing method to be used to complete the order. Each purchasing staff member is assigned to purchase goods or services based on multiple types of commodities. These staff members will work directly with vendors and issue the appropriate binding purchase order documents.

Requisitions with incomplete product descriptions are rejected back to the requesting department via the County's financial system until enough information is given to properly identify the product being requested. Departments will be notified via E-mail that the requisition has been sent back.

A completed requisition form in the County's financial system will include the following:

- Type of Acquisition: (1) Purchase (2) Contract
- Reason for the Purchase
- Name and phone extension of person entering requisition
- Vendor Number/Name
- Contract Number (if applicable)
- "Ship to" Code
- Date item required
- Unit measure (each, pack or other)
- Quantity required
- Account to be charged
- Special instructions (F8 comments)
- Pricing if known
- Suggested vendors
- Commodity Codes as required

## **C. THE PURCHASE ORDER**

1. Copies:

- 1 - Vendor
- 2 – Department/Claim Form

Purchase orders are printed every night at Ulster County Information Services (hereinafter "I.S.") and hard copies are forwarded to the requesting department the next day. The department can request that the vendor's copy of the purchase order be sent to the

department. The department can then hand carry the vendor's copy of the purchase order to the vendor and pick up the items. Claim forms must be signed by vendors and returned to the department for payment.

## 2. Request for Immediate Purchase Order:

If an emergency exists wherein the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality, or more important, the individual tax payer, then the procurement of goods or services will be at the discretion of the proper department head. Documentation as to the nature of the emergency shall be sent to the Director of Purchasing within five (5) working days of such procurement. The emergency purchase must be approved by The County Executive.

Emergency purchase order requests must be kept to a minimum and must be for essential items when the normal delay in processing will significantly affect the operation of the department. Routine items that the department has forgotten to maintain in inventory or for which the department has failed to anticipate a requirement, will not meet the guidelines. An example of an acceptable request would be for a part to repair an essential piece of equipment.

## 3. Blanket Purchase Orders:

A blanket purchase order is issued when several purchases are made against the same order number for a designated period of time (usually on a monthly basis). Blanket purchase orders can be for bid and non-bid vendors. A blanket purchase order eliminates the processing of many individual purchase orders and allows the department flexibility in ordering commodities.

### Procedures for Blanket Purchase Orders/Inverted Purchase Orders:

- a. All requests for blanket purchase orders will be sent to Purchasing via the County's financial system. Purchasing will determine if a blanket order is appropriate.
- b. Departments shall submit the requisition to Purchasing at the beginning of the month.
- c. If the request is approved, Purchasing will issue a purchase order number to the requesting department. The purchase order number must be given to the vendor when ordering commodities and must appear on all paperwork received from the vendor.
- d. If no purchases were made against the blanket purchase order for the time period specified, the department must notify the Comptroller's Office and Purchasing to cancel the purchase order.
- e. If the dollar amount on the blanket purchase order will be used up before the end of the month and additional purchases must be made, submit a new requisition for the issuance of a new blanket purchase order. **DO NOT EXCEED THE ORIGINAL**

**PURCHASE ORDER DOLLAR AMOUNT.** Exceeding the dollar amount appropriated on a blanket purchase order is in fact placing an order without the proper approvals from Purchasing.

- f. The remaining balance of a blanket purchase order can be liquidated by the department. This is accomplished by notifying the Comptroller's office and The Commissioner of Finance when the last invoice has been entered against it.

#### 4. Payment

All invoices are sent to the requisitioning department by the vendor.

#### 5. Change Orders

Change orders are required when it becomes necessary to increase the dollar amount (10% or more) of a purchase order to cover product price increases, or to cover shipping charge increases. Forms are available through Purchasing and/or on the Intranet by accessing the County's Standard Operating Procedures manual, Form ADM-E-109.

Change Order forms may not be used to change the vendor. If you must change the selected vendor, first cancel the original purchase order through the Comptroller's office and then create a new requisition.

### **SECTION III. THE BID PROCESS**

Competitive bidding is required for the purchase of commodities or group commodities with an anticipated value of \$10,000 or more and for non professional/public works purchases with an anticipated value of more than \$35,000. The competitive bidding process ensures that all bidders receive the same information and the bid award shall be made to the lowest responsible bidder.

Planning and gathering information is vital. Sufficient lead-time should be built into the procurement process to permit adequate planning, specification writing, bidding, vendor selections, documentation, etc. Departments should allow sufficient time for Purchasing to review product specifications and/or scopes of work and complete the bid or proposal documents. Additional time will be needed for bids and requests for proposals (RFPs) where the resulting contracts must be approved by The County Attorney's Office/Contract Management Division and/or the Legislature and Executive.

Each bid or RFP will be numbered before being published.

- Advertisements for public bids and RFPs are published in the designated official County newspapers. For 2010 they are the Saugerties Post Star and Ulster Publishing.

Bids and RFPs are posted on the Hudson Valley Municipal Purchasing Group (HVMPG) website for viewing and downloading.

Prior to publishing the bid or RFP in our official papers, the requesting department head will be required to sign off on the specifications.

Purchasing will issue bid or proposal packages to vendors/contractors at the advertised location, or the vendors/contractors may download them from the HVMPG website. Bid or proposal packages may also be sent to vendors/contractors via First Class Mail, Federal Express, or UPS, if the vendor/contractor furnishes the County with their account number.

All bid or proposal packages picked up at Purchasing or sent out from Purchasing are recorded in the bid file. The HVMPG website maintains a record of all firms who download the bid or proposal documents from the website.

## **A. DEVELOPING BID SPECIFICATIONS**

Purchasing writes a bid using the department's list of specifications as the specific criteria against which vendors' bids are evaluated. These specifications must be absolutely clear to all the potential bidders. The bid will be awarded to the lowest cost supplier to meet all of the department's needs, exactly as it was defined by the department in the specifications.

Departments will not be allowed to add or delete requirements after the bids open; the evaluation will be based solely on all requirements set forth in the bid. During the bid process, the vendors must be absolutely certain they are all considering the same thing. The vendor needs to offer the appropriate product at the right price.

A good specification should do four things:

- Identify minimum requirements;
- Allow for competition;
- List reproducible test methods to be used for testing compliance with specifications; and
- Provide for an equitable award at the lowest possible cost.

### **1. Brand Names**

Brand names can be used in a specification. If you supply Purchasing with a brand name, the buyers will generally specify, "brand name or equal" on the bid or request for quote. A brand name gives the parties involved an idea of what type and quality of product you require. In many cases, several distributors can supply a given brand. You still must address your most important features or requirements. Since no two brands are identical in all respects, describe in which respects you need any product offered to be equivalent. Make it clear at the outset what you consider an "equivalent" to be.

### **2. Use of Vendor Specifications**

Only departments are qualified to know exactly what their needs are. Avoid turning the job over to a vendor. Vendors' literature is written to describe and promote their products. It is

their job to sell their company's product and it is to their benefit to emphasize the uniqueness of their product both verbally and in their product literature.

By copying a vendors' literature rather than writing their own specifications, departments are likely to over-restrict the specifications to the point where only the vendor whose literature has been copied can meet them. This may reduce competition and result in higher costs.

Purchasing requests that departments write their specifications using their own thoughts and words. If Purchasing unknowingly issues a bid based on specifications supplied by a department that are from a specific vendor's literature, a competing vendor may challenge the bid or purchase decision, saying the requirements unfairly favored one vendor and restricted competition. The bids may need to be rejected (or the order canceled), and a new list of requirements developed to more accurately reflect the department's true needs. Delays can be avoided by spending quality time up-front writing your own, well-thought-out list of requirements.

### 3. Avoid Over Specifying

Avoid writing down more than what you actually require to meet your operational needs. The more requirements you add, the more likely it is you will limit the number of vendors that can offer a product or service to meet them. Think about the use of a product or the need for a service for your department and limit yourself to what actually makes sense in your setting.

## **B. BIDDERS LIST**

In addition to the required public advertisement, Purchasing posts its Bids/RFPs/Quotes on the **HVMPG** website. Any vendor wishing to have automatic notification must register on the **HVMPG** website and pay a small fee for that service. Vendors who do not wish to have automatic notification may register for free and then they will have access to downloading any document. Vendors who register for free have the responsibility of checking our website to look for business opportunities. Purchasing will no longer maintain lists of vendors for commodities or services. In order for specifications to be sent to any vendor, that vendor must first contact Purchasing by mail, e-mail or fax, requesting that the specifications be sent via regular mail. Any vendor requesting specifications to be sent by Federal Express or other overnight mail must pay for this service. No bid or proposal packages will be "faxed" to any vendor under any circumstances.

## **C. BID SECURITY**

There are two different types of circumstances that may require bid securities.

1. **PURCHASE OF GOODS OR SERVICE** - A percentage of the estimated bid is required as security and must be in certified check form and/or bid bond. The certified check and/or bid bond of the awarded vendor is held until Purchasing receives written notification from the requesting department head that bid items or services have been received. The bid security is then returned to the awarded vendor.

2. CAPITAL IMPROVEMENT or PUBLIC WORKS PROJECTS - A percentage or fixed dollar amount bid security in the form of a certified check or bid bond is required. Bid security will be five percent of the total bid amount or a fixed dollar amount. Bid security will be returned once the required performance bonds have been received and the contracts are fully executed.

#### **D. PERFORMANCE BOND**

Performance bonds shall be required when bidding capital improvement or public works projects. Bidders are required to submit their performance bonds before or at the time that they sign a contract. This bond will ensure that the bidder fully completes its performance requirements for the municipality between the date of award and the date of completion stated in the contract.

#### **E. PREVAILING WAGES**

Prevailing wages consist of pay scales that have been bargained for by the various unions throughout the State and are set by the New York State Department of Labor. Vendors must pay these rates to those employees who work on public works projects in any municipal building. These wage rates apply regardless of the dollar amount of the contract. It is extremely important to make sure that bidders/proposers understand that prevailing wages apply for any public works project in County buildings regardless of the dollar value of the contract.

#### **F. ADDENDUMS**

As stated in the Request for Bid terms and conditions, "only formal, written addenda can alter the bid specifications." When a discrepancy, ambiguity, or omission is revealed, Purchasing will issue an addendum to clarify the bid requirements. The addendum is sent by fax and/or certified mail to all vendors that have picked up or were mailed bid packages, and the addendum is also posted on the HVMPG website. The first addendum will be labeled "Addendum #1". Subsequent addendums issued will be sequentially labeled.

Purchasing will make every effort to ensure that all vendors of record receive addenda.

The addendum procedure will also be used to extend the bid date where additional time is necessary to give the vendors/contractors sufficient time to submit a responsible bid.

#### **G. RECEIPT OF BIDS**

Vendors or contractors must mail, express, or otherwise physically deliver sealed bids to the Department of Purchasing office on or before the bid deadline specified in the legal advertisement. As the bids are received, they are immediately date and time stamped and this bid receipt information is recorded in the Department of Purchasing Bid/Proposal Log. No bids are accepted after the bid deadline. Those received after the bid deadline will be returned to the sender unopened. No "fax" machine transmission or other electronically submitted bids will be accepted under any circumstances. All bids are kept in a secure location.

At the appointed time, the Director of Purchasing, or designee, will announce the bids to be opened. The bids will be opened and read aloud, and the bid prices appropriately recorded.

## **H. BID RECOMMENDATION PROCESS**

All bids received are copied and sent to the requesting department with a memo requesting a review and a recommendation or rejection of the lowest responsible bidder. The department shall review the packages and send a memo of their recommendation or rejection to Purchasing. If the lowest responsible bidder is not recommended, then a detailed written explanation from the department head must be attached. The Director of Purchasing will review the packages and department recommendation, and, if necessary, contact the County Attorney to clear up any legal technicalities and then will approve or disapprove the department's recommendation.

## **I. BID AWARD PROCESS**

If a contract is required for an individual department, the department head must submit the package with recommendations to the County Attorney's/Contract Management Division for appropriate contract review, drafting, and approval. All contracts must be approved by Contract Management and by the County Executive. After approval for the contract is granted, Purchasing will process any necessary notice of award or purchase order. When the award process is finalized, the entire bid package becomes a permanent file in Purchasing.

## **J. PURCHASE OF LIKE COMMODITIES OF \$10,000 OR LESS:**

Where competitive bidding is not required by General Municipal Law 103, the Ulster County Legislature has adopted the following procurement policy under which, and the manner in which, procurements of commodities shall be made: This adheres to GML Section 104-b.

### **1. PURCHASES OF COMMODITIES, EQUIPMENT OR GOODS:**

- |                                    |  |
|------------------------------------|--|
| A. Equal to or less than \$1000.00 | Awarded at the discretion of the Director of Purchasing.   |
| B. \$1,000.01 - \$3000.00          | Minimum of three vendor submitted verbal/telephone quotes. Awarded at the discretion of the Director of Purchasing                   |
| C. \$3,000.01 - \$10,000.00        | Minimum of three vendor submitted written, e-mail or facsimile price quotes. Awarded at the discretion of the Director of Purchasing |
| D. More than \$10,000.00           | Sealed bids in conformance with General Municipal Law, Section 103   |

## **K. PUBLIC WORKS PROJECTS OF \$35,000 OR LESS:**

Where competitive bidding is not required by General Municipal Law 103, the Ulster County Legislature has adopted the following conditions under which, and the manner in which, public works project procurements shall be made:

**1. PURCHASES FOR PUBLIC WORKS PROJECTS/CONTRACTS:**

- A. Equal to or less than \$5,000.00      Minimum of three vendor written, e-mail or facsimile price quotes with award recommendation by the department head, and with the approval and award being made by the Director of Purchasing.
  
- B. \$5,000.01 - \$20,000.00      Minimum of three vendor written, e-mail or facsimile price quotes with the award recommendation being made by the department head, and with the approval of the Director of Purchasing.
  
- C. \$20,000.01 - \$35,000.00      Minimum of four vendor written, e-mail or facsimile price quotes with the award recommendation being made by the department head, and with the approval of the Director of Purchasing.
  
- D. More than \$35,000.00      Sealed bids in conformance with General Municipal Law, Section 103

**SECTION IV. REQUESTS FOR PROPOSALS (RFP)**

A RFP is a competitive process for choosing an individual or firm with which to contract for services. The contract is awarded based on factors such as cost, qualifications, experience and demonstrated ability, and not necessarily to the proposer with the lowest price. These guidelines are for the development, solicitation, evaluation, and award of RFPs consistent with applicable laws and regulations of Ulster County. Generally, a RFP is to be used as a procurement vehicle when the end-user does not have a pre-defined product specification or service requirement, but rather a set of outcomes or deliverables needed to meet the project objective(s). A RFP allows responding proposers to use their best resources to propose solutions that meet the project objective(s).

A thorough, well-written RFP will help ensure that meaningful and responsive proposals will be received and that the desired ends for the project will be achieved. The RFP must provide the offeror with a clear, unambiguous statement of work for the project, the rules for submitting responsive proposals, a detailed statement of the requirements and goals of the project, instructions on the preparation of the proposal, and the method and criteria for proposal evaluation.

**Guidelines:**

## **A. RFP ADMINISTRATION AND PROCESS**

### **1. RFP Development**

Purchasing shall work with the requesting department in the development and review of the RFP. The department shall be given a final draft of the RFP for approval before the legal notice has been advertised.

The evaluation team, evaluation criteria, and evaluation weights shall be determined prior to solicitation. The weight for each evaluation criteria item shall be determined by the evaluation team with the advice of Purchasing prior to the solicitation. The weight shall be based on a percentage where the combined weights for all the evaluation criteria shall equal 100%.

### **2. Forming a RFP Development Team**

Assembling a competent development team at the outset of the process is essential. RFP development team members should be carefully selected on the basis of their individual skills and potential contributions. The team should consist of staff members from the department that have an interest or expertise in the services to be procured. The team should be given sufficient time and resources to participate in the planning and implementation process.

### **3. Forming the Evaluation Team**

Prior to solicitation, the requesting department will form an “evaluation team” of knowledgeable personnel to evaluate and recommend an award of the RFP. It should be clear to evaluation team members from the outset that their duties will require significant time and effort.

There is no restriction as to how many people there may be on the evaluation team. It is suggested that a minimum of three individuals be considered and the team should be diverse with expertise and knowledge of the product or service being procured.

Each Evaluation Team member will be provided with the RFP guidelines and a copy of the RFP for review prior to commencement of the evaluation process.

### **4. Purchasing’s Role**

Purchasing’s experience, influence, and consistency are critical to the successful completion of the RFP process. Purchasing usually will not serve as a scoring member of the evaluation team, but will perform the following responsibilities:

- Support department staff in drafting the RFP;
- Manage the RFP process;
- Instruct the proposal evaluation team regarding the RFP process, the terms of the subject RFP, and the evaluation process detailed in the RFP so that team members understand the RFP process and their responsibilities in it;

- Manage the proposal evaluation process;
- Oversee the review of technical proposals for responsiveness to mandatory requirements;
- Conduct and coordinate any oral presentations and written clarifications with proposers; and
- Maintain the project file during the RFP process.

Protests, appeals and lawsuits are part of procurement life. It shall be Purchasing's responsibility to work with the County Attorney when one of these actions occurs. Such actions may or may not center on the activities of the evaluation team. However, it is not uncommon for a protestor to review the scoring of the evaluation team. It is essential that evaluators work hard to score the proposers in a consistent and explainable manner.

## 5. Role of the Evaluators

- Evaluators are instructed not to discuss any part of the proposals outside of the evaluation team members;
- For uniformity in scoring, the evaluators are to use the evaluation form supplied by Purchasing;
- All scores must be supported by rational and sufficient documentation to substantiate the evaluators' judgment;
- A team leader, usually from Purchasing, should be established to serve as a proctor for all meetings of the evaluation team and to keep records of all evaluation discussions, forms, scoring and recommendations.
- The team as a whole will discuss the findings of each member and develop a composite score for each proposal after the evaluators has evaluated the proposals separately. If it is apparent that one or more of the evaluators' scores differ greatly from the majority, the team should discuss the situation to be sure the criteria was clear to all. If an evaluator feels at this point that he did not understand the criteria or did not understand the proposal, he/she may, at his/her discretion, revise the evaluation. All evaluation forms are turned in to Purchasing to become part of the public record.

Some simple Do's and Don'ts for evaluators:

<u>Do's</u>	<u>Don'ts</u>
Do evaluate each proposal independently, then as a team.	Don't confer with the other team evaluators concerning a particular proposal until after you have first evaluated it independently.
Do record the detailed rationale for scoring each proposal.	Don't use vague or contradictory statements in your evaluation rationale.
Do ask Purchasing for guidance with any question you may have.	Don't discuss the evaluation scores with non-team evaluators prior to an award being made. If you get an inquiry from an offeror, your response should only indicate that you are in the "evaluation process." Any further questions should be directed to Purchasing.
	Don't assume. If you have a question, please ask.

#### 6. Conflict of Interest

A conflict of interest exists whenever there is a situation in which an evaluation team member, advisor or consultant may have a financial or other interest or prejudice through current or past association or relationship with any responding offeror. Any individual who believes a potential conflict of interest exists must inform Purchasing immediately. The Director of Purchasing will contact the County Attorney for an opinion if the Director of Purchasing deems it necessary or prudent to do so.

#### 7. RFP Solicitation Phase

Legal Notices for RFP's shall be published in the official newspapers of Ulster County. In addition, RFPs will be made available (i) for downloading directly from the HVMPG website, (ii) directly from Purchasing, or (iii) vendors may fax or E-mail a request to have a RFP packaged mailed to them.

Departments that have a list of potential vendors that they would like notified of the RFP must send Purchasing a written list containing the phone number, fax number and address of those vendors. Purchasing no longer keeps potential vendor lists for any products or services. **Any vendor who wishes to be put on a bid list should be**

**directed to Purchasing for instructions on how to register with the HVMPG website.**

## **B. RFP LAYOUT AND CONTENT**

The layout and content of all RFPs will include information and requirements from both the department and from Purchasing. Some sections of the RFP will be the primary responsibility of the department while some sections will include standard language from Purchasing. While RFPs will vary from project to project, they will typically follow a basic outline:

1. Background Information
2. Objectives and Technical Requirements (Scope of Work)
3. Cost/Budget Proposal Requirements
4. Contractual Terms and Conditions
5. Administrative Information
6. Proposal Format and Content
7. Proposal Evaluation Criteria
8. Any relevant attachments provided by the department

The department will be primarily responsible for developing the background information, objectives and technical requirements (scope of work), cost/budget proposal requirements and the evaluation criteria. The department is also responsible for any attachments to the RFP that may be required.

Purchasing will provide the language for the contractual terms and conditions, administrative information (e.g., contact and pre-bidder's conference information), proposal format and content (e.g., required proposal sections and their order).

### **1. Background**

This section of the RFP contains background information for those interested in responding to the RFP (hereinafter "proposers"). Background information should include a description of the function of the department for which the services are required, a fairly detailed explanation of why the services are needed, a description of the method or system presently employed (including its deficiencies), the staff and resources available, and the objectives of the department. This is a reasonably brief summary of the existing problem and the approach to a solution preferred by the department. The details of tasks are reserved for the scope of work section. For human services RFPs, any current data and demographic information on the target population or utilization of services should also be included here.

## 2. Objectives and Technical Requirements - Scope of Work (SOW)

This is a detailed description of the work to be performed by the proposer. A well-written SOW enhances the opportunity for all potential proposers to compete equally for County projects and serves as the standard for determining if the proposer meets the stated performance requirements. The SOW should specify in clear, understandable terms the work to be performed by a proposer. Preparation of an effective SOW requires both an understanding of the services that are needed to satisfy a particular requirement and an ability to define what is required in specific, performance-based, quantitative terms. A SOW prepared in explicit terms will enable proposers to clearly understand the County's needs. This facilitates the preparation of responsive proposals and delivery of the required services while shifting the responsibility for preparing the SOW from the County to those responding to the RFP.

Any technical requirements that proposers must meet as an organization or comply with in their proposed program should be detailed in this section. This section should also include any regulatory or legal requirements that must be followed.

The department will need to develop the objectives that the selected proposal will be expected to accomplish. Note: Objectives are not simple benchmarks or milestones (e.g., X number of children receive treatment per month). They should be the outcomes you are looking to achieve (e.g., reduce by X% the number of children being hospitalized).

## 3. Cost/Budget Proposal Requirements

The department requesting the RFP will be responsible for the details in this section, although some language will be standard in all RFPs and will be provided by Purchasing. You should describe the form and cost breakdown that you will require for this particular project. If you will be attaching a budget form for proposers to complete, you should indicate that here. You may also want to repeat here any funding information that you provided in the previous background or objectives/requirements sections.

## 4. Evaluation Criteria

Proposers will need to know the criteria that they will be judged upon. Evaluation criteria should be carefully developed, well-thought out and should provide a comprehensive array of qualities on which to judge the proposers. Avoid multiple criteria that are similar to one another, or criteria that can be ambiguous or unclear. Criteria should be chosen and weighted based upon their importance to the project and your mission and as a factor in successfully meeting your project objectives. You should not include criteria that are not relevant or important to the project.

## **C. RFP PROPOSER-COUNTY COMMUNICATION/CONTACT**

### 1. Proposer Questions and/or Inquiries

Once the legal notice has been published, and the RFPs have been distributed, all proposer questions should be directed to Purchasing in writing. Under no circumstances should a department answer hypothetical or speculative “what if” questions.

## 2. Pre-Proposal Conferences

Based on the scope and technical requirements of a RFP, a pre-proposal conference may be required. If a pre-proposal conference is conducted, modifications to the RFP may result. The pre-proposal conference provides an opportunity to:

- Review the requirements;
- Facilitate a clear understanding of the scope of work; and
- Promote competition.

The pre-proposal conference is a meeting of potential respondents, Purchasing, and the requesting department’s technical representative. A sign-in sheet will be distributed to collect the attendee names, company names, and phone numbers. Some questions are answered immediately, while others may require additional analysis. For questions requiring additional analysis, Purchasing will indicate to the attendees that there will be a response in writing made in a timely manner before the scheduled opening, or if necessary, the opening will be rescheduled. All questions will be addressed in a subsequent addendum.

## 3. Addendum

If needed, an addendum to the RFP may be issued to correct any inconsistencies in the RFP, revise elements of the RFP, and/or respond to inquiries by potential respondents. Purchasing will be responsible for coordination of the subject matter and for issuing the addendum. The addendum is sent to all vendors who possess a copy of the RFP.

## **D. POST RFP DEADLINE AND EVALUATION**

### 1. RFP Closing

After the proposal due date and time, names of the respondents are released. No other information is given until the County has a signed contract with the awarded proposer.

### 2. RFP Evaluation

After the RFP has closed, Purchasing will distribute copies of all responses to the requesting department, with the original responses kept in Purchasing’s file. The requesting department shall distribute copies of all responses, with the scoring matrix, to the identified evaluation team. Each team member is to score all proposals against the evaluation criteria identified in the RFP.

Each evaluation team member should provide written justification/explanations for each score given under each criterion. When all evaluation team members have completed their scoring, the scores shall be collected by the team leader for tabulating the results, and identifying the top rated proposer(s) for award consideration.

### 3. Oral Presentations

Oral presentations are used to clarify or verify the proposer's written proposal and should be used when appropriate. They may be restricted to only those proposers with the highest scores after the initial evaluation of all proposals. Purchasing, in coordination with the requesting department, shall develop discussion points and questions for the proposers to address during their presentations. All proposers will be afforded equal time for their presentations.

All members of the evaluation team should be present for each presentation. Details of competing proposals should not be discussed during presentations. The proposer's presentation and answers to the evaluation team's questions may enhance the proposer's score in the evaluation areas of the RFP. The evaluation team may re-evaluate and make changes to the scores of the proposers based on the information received from the presentations.

### 4. RFP Award Phase

After the responses to the RFP have been evaluated and tabulated, or re-evaluated after oral presentations, the department head shall make a formal written recommendation to Purchasing. Attached to the recommendation shall be the scoring matrix with supporting documentation justifying why the successful proposer was selected.

Purchasing will issue a Notice of Award to the highest scoring proposer. The department head shall process contract approval through The County Attorney's/Contract Management Division.

## **E. PROCURING PROFESSIONAL SERVICES OF \$40,000 OR LESS:**

The Ulster County Legislature has adopted the following conditions under which, and the manner in which, procurements of professional services shall be made: This adheres to GML 104.b.

### **1. PROFESSIONAL SERVICES AND CONSULTANTS (RFP):**

- |    |                                 |  |
|----|---------------------------------|--|
| A. | Equal to or less than \$3000.00 | Department negotiates with vendor and processes contract through The County Attorney's/Contract Management Division. Must be approved by the County Executive.   |
| B. | \$ 3,000.01 - \$40,000.00       | Department negotiates with vendor and processes contract through Contract Management. Purchasing will, when possible, receive three quotes for these services. Must be approved by the County Executive. |

- C. \$40,000.01 - \$50,000.00      Written **Request for Proposal** with award recommendation by the department head with approval from the Director of Purchasing. Must be approved by the County Executive.
  
- D. More than \$50,000.00      Written **Request for Proposal** with the award recommendation by the department head with approval from the Director of Purchasing. Must be approved by the County Legislature and by the County Executive.

**SECTION V. PUBLIC WORKS PROJECTS/CONTRACTS**

It is important to distinguish between contracts for public works and purchase contracts, as these items are not defined in the General Municipal Law. This distinction is especially important because there is a \$25,000.00 difference between the bidding thresholds.

In general, purchase contracts involve the acquisition of commodities, materials, supplies or equipment, while contracts for public work involve services, labor or construction. Many times contracts involve both goods and services and it is difficult to determine which bid limit to apply. Each procurement must be reviewed on a case by case basis and determination must be made as to what kind of contract is involved. As a general rule, if the contract involves a substantial amount of services, such that services are the focal point and the acquisition of goods is incidental, it will be considered a contract for public works. Conversely, if services or labor are only minimal or incidental to the acquisition of goods, it is considered a purchase contract.

For example, a contract for interior painting of a building involves both material (paint) and labor (painting). In most instances, the labor component of the contract will be predominant, making it a contract for public work.

**SECTION VI. EMERGENCIES**

Subdivision (4) of General Municipal Law Section 103 sets forth an exception to bidding requirements for emergency situations and provides as follows:

"Notwithstanding the provisions of subdivision one of this section, 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, 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."

Accordingly, there are three basic statutory criteria to be met in order to fall within this exception:

- (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 the political subdivision's inhabitants must be affected;
- (3) The situation must require immediate action that cannot await competitive bidding. Even when a governing board passes a resolution that a public emergency exists, the public interest dictates that public purchases are made at the lowest possible cost, seeking competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

The Office of the State Comptroller has suggested that, to meet these criteria, there generally must be a present, immediate and existing condition that is creating an "imminent danger to public or private property or the life, health or safety of the municipality's residents which makes a further delay in action occasioned by compliance with competitive bidding requirements unwarranted" (1981 Opns St Comp, No. 81-224, P 241). Further, in as much as General Municipal Law Section 103(4) provides that the emergency must arise out of an accident or unforeseen occurrence, it is doubtful that a local government may invoke the emergency provisions in a situation that is the result of inaction or dilatory behavior on the part of officials and which, therefore, could have been foreseen (1978 Opns St Comp No. 78-780, unreported; see also, Rodin v. Director of Purchasing, 38 Misc. 2d 362, 238 N.Y.S.2d 2 (1963)).

Note that even in an emergency situation, it is in the public interest that purchases be made at the lowest possible cost (Orange Paint v. Scaramuccia, 59 A.D. 2d 894, 399 N.Y.S.2d 52). Thus, the political subdivision should seek competition by informal solicitation of quotes or otherwise, to the extent practicable under the circumstances.

The law cannot be circumvented by a declaration of an emergency which is caused by lack of planning on the part of a department. A "sudden" emergency arising from the gradual deterioration of a piece of equipment or an out-of-stock condition of a routine supply item, will not withstand the legal scrutiny.

The requesting department should contact the Director of Purchasing for the determination that the situation qualifies as an emergency. The Director of Purchasing will contact the County Attorney for an opinion if the Director of Purchasing deems it necessary or prudent.

When circumstances support an emergency purchase, the requesting department should, with Purchasing's assistance, attempt to locate a source for the goods or services. An attempt should be made to obtain the lowest price from a vendor or contractor who will best meet the requirements. When the supplier and the price have been established, the department head or designee will call Purchasing for emergency purchase procedures.

The County Executive is empowered to designate an "emergency purchase" or "emergency project," and may waive normal bidding requirements. If the emergency designation is approved and certified by the County Executive, the requesting department will submit all original backup information such as the vendors' or contractors' proposed contracts or proposals, quotations, letters, etc. to the Purchasing Department.

## **SECTION VII. BID PROTEST PROCEDURES**

### **PROCEDURES FOR HANDLING BIDDING PROTESTS and APPEALS**

#### **I. Policy**

It is the policy of the Ulster County Purchasing Department to provide all bidders with an opportunity to administratively resolve complaints or inquiries related to bid solicitations or pending contract awards. The Ulster County Director of Purchasing encourages bidders to seek resolution of complaints concerning the contract award process through consultation with the Purchasing Department. All such matters will be accorded impartial and timely consideration.

#### **II. Informal Complaints/Protests**

It is strongly recommended that staff encourage, be receptive to, and resolve issues, inquiries, questions and complaints on an informal basis, whenever possible. Information provided by any interested party should be fully reviewed by Purchasing's Buying staff and the Director of Purchasing. As appropriate, our responses to the inquirer should indicate the existence of a formal protest policy available to them should the informal process fail to resolve the matter. Staff should document the subject matter and results of any informal inquiries.

#### **III. Formal Protests**

Bidders may file formal written protests. Final County determinations or recommendations for award generally may only be reconsidered in the context of a formal written protest.

Any potential bidder, who believes they have been aggrieved in the drafting or issuance of a bid solicitation, or by a pending contract award, may present to the Purchasing Department, a formal complaint and request for administrative relief concerning such action ("FORMAL PROTEST").

##### **A. Submission of Protests:**

1. Concerning Bid Documents: Formal protests which concern the drafting of bid solicitations must be received by Purchasing at least ten (10) business days before the date set in the solicitation for receipt of bids. If the date set in the solicitation for receipt of bids is less than ten (10) business days from the date of issue, formal protests concerning the bid document must be received by Purchasing at least twenty-four (24) hours before the time designated for receipt of bids.

Concerning Proposed Contract Award: Formal protests concerning a pending contract award must be received within ten (10) business days after the protesting party ("protester") knows or should have known of the facts that form the basis of the protest, and, in the case of a Capitol Project, five (5) days prior to final approval by the Ulster County Legislature.

2. A formal protest must be submitted in writing to Ulster County Purchasing Department by mail, or facsimile transmission.

3. A formal protest must include:
  - (a) a statement of all grounds for disagreement with a Purchasing bid solicitation or procurement determination,
  - (b) a description of all remedies or relief requested, and
  - (c) all applicable supporting documentation.
4. Protests should be delivered to the Director of Purchasing at the following address:

**U. C. Purchasing Department**  
**County of Ulster**  
310 Flatbush Avenue – 3<sup>rd</sup> Floor  
Kingston, NY 12401  
Facsimile: (845) 340-3434  
Phone: 845) 340-3400

**B. Review and Determination**

1. Protests may be resolved through verbal or written correspondence, and/or either the protester or The Director of Purchasing may request a meeting to discuss a formal protest, at which time the participants may present their concerns. Where further formal resolution is required, the Director of Purchasing shall assign another County Official not involved in the procurement action to determine and undertake the resolution or settlement of any protest relative to bid solicitations or pending contract awards.
2. Purchasing's Buyer will conduct a review of the records involved in the protest and provide a memorandum to the Director of Purchasing summarizing the results of the review and her/his recommendation for resolution. The Director of Purchasing will evaluate the Buyer's recommendation, the material presented by the protester, and, if necessary, consult with The County Attorney, and prepare a draft response to the protest.
3. Acceptable Activity Prior to Final Determination: When a formal bid protest is received by Purchasing, a final determination on the protest should be made prior to approval of the award. However, during the pendency of the protest, bid evaluation and review of the recommended award may continue to be conducted at the discretion of the Director of Purchasing.
4. Notice of Decision: A copy of the decision, stating the basis for the decision and informing the protester of the right to appeal an unfavorable decision to the Director of Purchasing shall be sent to the protester or its agent within thirty (30) business days of receipt of the protest, except that upon notice to the protester such period may be extended. The protest determination should be recorded and included in the Bid file.
5. Purchasing reserves the right to waive or extend the time requirements for decisions and appeals herein prescribed when, in its sole judgment, circumstances so warrant.

Purchasing will consider all information relevant to the protest, and may, at its discretion, suspend, modify, or cancel the protested procurement action including solicitation of bids, or withdrawal of the recommendation of contract award prior to issuance of a formal protest decision.

If Purchasing determines that there are compelling circumstances, including the need to proceed immediately with contract award in the best interest of the County, then these protest procedures may be suspended and such determination shall be documented in the Bid file.

**C. Appeals**

1. Should the protester be dissatisfied with the protest determination, a written appeal therefrom may be directed to:

**Ulster County Executive**  
244 Fair Street  
PO Box 1800  
Kingston, NY 12402-1800  
Facsimile: (845) 340-5724  
Telephone: (845) 340-3651

2. Written notice of appeal of a determination regarding bid solicitations or a pending contract award must be received at the above address no more than fifteen (15) business days after the date the decision is sent to the protester. The decision of the Director of Purchasing shall be a final and conclusive agency determination unless appealed to the County Executive within such time period.
3. The County Executive shall hear and make a final determination on all appeals. The County Executive may designate a person or persons to act on his/her behalf.
4. A formal protest appeal may not introduce new facts unless responding to issues raised by the Director of Purchasing in the initial protest determination.

**D. Records Retention**

All records related to bidder protests and appeals shall be retained for at least one (1) year following resolution of the protest. All other records shall be retained according to the Records Retention Policy in place at the time.

**SECTION VIII. CONTRACT APPROVAL**

Under the new County Charter, which took effect January 1, 2009, contracts must be approved by either the County Executive and/or the County Legislature, depending on the amount of the contract, and in some instances, the type of contract. County Law may also determine which branch of government has the authority to approve certain contracts.

**A. COUNTY EXECUTIVE:**

For contract approval, the County Executive is empowered to approve and execute contracts in amounts under the sum of fifty-thousand dollars (\$50,000.00) without Legislative approval. Under Section A3-4 (X) of the Ulster County Administrative Code, the approval procedure requires the County Executive to approve contracts under this amount via an abstract process; and upon approval of the abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in Section C-74(B)(2) of the County Charter.

**B. COUNTY LEGISLATURE:**

The County Legislature is empowered to approve contracts for execution by the County Executive in amounts of and in excess of fifty thousand dollars (\$50,000.00). Section A2-5(A)(15)(b) of the Ulster County Administrative Code provides for an approval procedure that requires the County Legislature to approve contracts for and in excess of this amount via an abstract process. Upon subsequent approval of the abstract by the County Executive, the Director of Purchasing shall have the authority to execute the contracts as provided in Section C-74(B)(2) of the County Charter. In addition, Section A3-4(Y) of the Administrative Code provides that the County Legislature shall have the power, or may otherwise delegate such power to the County Executive, to approve contracts for (1) the sale, purchase or transfer of real property, or (2) the provision of facilities or rendering of services by or for any other government. Inter-municipal agreements are also subject to approval by the County Legislature pursuant to Section 119-o of New York's General Municipal Law. Pursuant to Section C-11(I) of the County Charter, the Legislature has the power to approve all labor contracts.

## SECTION IX. PROCUREMENT CARDS

Ulster County recognizes that the use of procurement cards is a practical alternative to the use of purchase orders or petty cash for high-volume, low-value purchases. The purpose of the procurement card program is to streamline and simplify the requisitioning, purchasing and payment process for small dollar transactions. The County uses two types of credit cards – gasoline credit cards and procurement credit cards.

### PROCEDURE:

#### Issuance

1. Credit card request is made by the department head to the Program Administrator in the Purchasing Department (340-3406) on form **ADM-E-801**. The Program Administrator shall be designated by the Director of Purchasing.
2. Credit cards will be in the custody of and managed by the department head and/or designee, whose responsibility shall include keeping records of all credit card use.

#### Use

##### 1. Gasoline Credit Cards:

- a. Can only be used while out of Ulster County or as a last resort for the purchase of

- ⌚ **gas**

- ⌚ **other automotive fluids** such as oil and transmission fluid

- b. Purchases are only authorized for vehicles owned by Ulster County. Purchases for private vehicles are strictly prohibited.

- c. Receipts are required for every purchase and shall immediately be given to the department head or designee. **The receipt must be signed with the employee name also printed, vehicle plate number and a brief reason for the travel.**

- d. Lost or stolen gasoline credit cards shall be immediately reported by the department head or designee to the Purchasing Department.

2. **Procurement credit cards:** *A critical element of this program is the retention of all receipts and prompt reconciliation of statements to these receipts.*

- a. Can only be used as a last resort for:

- ⌚ **air fare**

- ⌚ **car rental**

- ⌚ **lodging**

- ⌚ **other travel expenses**
- ⌚ **gas**
- ⌚ **goods and services not otherwise obtainable**
- ⌚ **to take advantage of lower pricing and potential discounts**

**to prepay for conference attendance ONLY AFTER a Conference Attendance Request form has been completed and approved.**

***When a conference attendance is required, a Conference Attendance Request form must be completed and approved prior to booking and charging to the procurement card.***

- b. The following is a **partial** list of items that **may not** be purchased with procurement cards regardless of the dollar amount. Any attempt to purchase these items will cause the card to be declined and will automatically be reported to the Program Administrator by the procurement card company:

- Alcoholic beverages
- Any items for personal use
- Association dues/memberships
- Cash advances
- County contract items
- Professional services
- Entertainment

**Equipment and commodities that currently go through the Executive Approval process must continue with that process. If you have a unique situation, contact the Program Administrator @ 340-3400 and an exception may be arranged.**

- c. The County of Ulster is a tax-exempt organization. Therefore, **DO NOT** pay sales tax on purchases made with the procurement card.

NOTE: Cardholders are responsible for informing the vendors that Ulster County is exempt from New York State sales tax and New York State Occupancy Tax. **The County's tax-exempt information is printed on the card.** When using your card, if a vendor will not process the transaction as tax-exempt, do not complete the transaction. For an occupancy tax exemption form, go to [www.tax.state.ny.us](http://www.tax.state.ny.us) and search for form ST-129.

d. Receipts are required for every purchase and shall immediately be given to the department head or designee. The card user must sign the receipt, print his/her name below the signature, and state a brief reason for the charge. When a purchase is made, the cardholder must obtain the customer's copy of the charge slip in addition to the detailed invoice/receipt. The charge slip or related cash register slip/receipt must show in sufficient detail the type and number of items purchased with the unit cost. Should a detailed receipt not be available, the cardholder shall submit a written detail along with the receipt.

- e. If for some reason the cardholder does not have documentation of the transaction to send with the statement, the cardholder must try to obtain a copy,

and if this is not possible, a description of the purchase must be attached. This will include a description of each item, the number of items purchased, the unit cost, the date of purchase, the vendor's name, and the reason(s) why there is no supporting documentation. Continued incidents of missing documentation shall result in the cancellation of the employee procurement card(s) and further disciplinary action as may be needed.

f. Refunds and exchanges must be credited directly back to the Procurement Card account. **Under no circumstances shall cash be received for refunds or exchanges.**

g. The Procurement Card should be treated with the highest level of security as cardholders treat their personal credit cards. Lost or stolen purchase credit cards shall be immediately reported to JP Morgan Chase Bank at **1-800-316-6056**, your Department Head, and the Program Administrator at 340-3406.

Replacement cards may be authorized by the Department Head and the Program Administrator on form **ADM-E-803**.

### **Conditions**

1. Every Monday the department will receive an email listing any "un-reviewed" transactions the department may have. You will need to go to the MasterCard web-site ([www.smartdataonline.com](http://www.smartdataonline.com)), log-in and check any un-reviewed transactions as reviewed. (See MasterCard Reconciliation Manual for specific details) All transactions must be reviewed within 2 weeks of the transaction posting to the MasterCard web-site.

2. A Monthly statement will be printed with detail, signed by the card administrator as original and mailed in a blue-inter-office envelope the first day of each month. The cardholder will reconcile all receipts with the monthly statement and forward it for approval to the Department Head or designee. After approval, all documentation must be forwarded to the Office of the Comptroller for payment **5 calendar days from receipt of statement**. If you are planning a vacation, you must submit all receipts to your Department Head or designee before you leave. Vacations, sickness, or time off are not an excuse for missing the submission deadline.

3. **If this information is not submitted on time, your card privileges will be canceled. There are substantial penalties to the County for late payment; therefore, late submissions will not be tolerated.**

4. Any unauthorized purchases or charges with or without receipts will be the responsibility of the person making the purchase. A check for payment in full, made out to the Ulster County Commissioner of Finance, should accompany the **current statement**. The employee is responsible for all late fees, interest and additional charges incurred due to failure to follow procedure.

5. Employees given the authority to use the procurement card(s) will acknowledge understanding of the policy by signing in the appropriate area on form **ADM-E-802** prior to use. **When you receive your procurement card, please write on the signatory line "REQUEST PHOTO ID".**

**6. Any employee violating any of the conditions of the procurement card policy may be subject to disciplinary action up to and including termination and possible criminal prosecution.**

#### **Termination or Transfer of Cardholder**

When an employee ends his or her employment or is transferred to another department, the department head or designee must collect the procurement card. If the department is unable to collect the card when an employee terminates, the department head must immediately notify the Program Administrator in Purchasing, who will ensure that the card is cancelled.

Purchasing, after consultation with the County Executive and The Ulster County Budget Director is authorized to implement policies and procedures for the use of procurement cards for the purchase of goods or services. Such program shall be designed to shorten the approval process and reduce the paperwork or procurement procedures such as purchase orders, petty cash, check requests and expense reimbursements. Notwithstanding this authority, such policies and procedures must include the following provisions:

1. Each transaction shall be limited to \$200.00. This limit may only be exceeded with prior written approval of the Director of Purchasing or his/her designee. The limit may also be exceeded when used for approved out-of-county travel; however, the limit may only be exceeded for airplane fares, vehicle rental and other actual travel expenses.
2. Procurement card(s) may not be used for the following:
  - A. Personal purchases of any kind;
  - B. Cash advances;
  - C. Items requiring technical review or subject to external approval (such as approval of computer equipment purchases);
  - D. Items available through Central Supply; and
  - E. Travel expenses (except as otherwise noted).
3. Each department that requests procurement card(s) must provide:
  - A. Written documentation of how each card will be used;
  - B. An estimate of any time and/or monetary savings generated through the use of each procurement card(s);
  - C. Written description of the types of transactions that will be made with each procurement card(s);
  - D. Identification of the employee who will be authorized to use each procurement card and an explanation as to why such employee should be authorized to use a procurement card.

The above information must be provided for each procurement card issued to a department.

4. Purchasing shall also develop internal controls for each department to ensure proper use of each procurement card(s). These internal controls shall include the following:
  - A. Dollar limits on each transaction (not to exceed \$200);
  - B. Total monthly spending limits;
  - C. The number of transactions allowed per specified time period (limit may be daily, weekly or monthly);
  - D. Security measures to prevent theft, loss or unauthorized use, including procedures for obtaining, safeguarding and returning cards;
  - E. A system that tracks expenditures as they occur. Such a system must give up-to-date information on purchases and funds expended; and
  - F. The types of goods and services that are not authorized for procurement card purchases.

Such materials and information must be provided for each procurement card issued to a department.

5. The issuance of any procurement card(s) to a department must be approved by the County Budget Director and the Director of Purchasing.
6. Prior to the issuance of any procurement cards, County Budget Director and the Director of Purchasing shall determine the maximum number of procurement cards that may be issued to each department and the maximum number of procurement cards that may be issued overall.
7. Procurement card(s) must be kept in a secure (locked) location when not in use.
8. Only one employee shall be authorized to use each procurement card. Such issuance to a specific employee must be approved by the employee's department head and the Director of Purchasing. Any unauthorized purchases made with a procurement card shall be the responsibility of said employee. Said employee must sign an acknowledgment and disclosure form prior to receiving a procurement card.
9. All procurement card purchases must receive prior approval by the employee's department head or his or her designee(s).
10. Any misuse of the procurement card or misrepresentation while using a procurement card shall require the immediate suspension of all procurement card privileges by the relevant department. Any misuse of the procurement card or misrepresentation while using a procurement card shall be grounds for discipline up to and including termination of employment.
11. Each employee who is authorized to use a procurement card must reconcile their procurement card statement and purchases at least twice each month in order to verify that all charges are proper and the correct amounts have been charged. The Director of Purchasing shall determine the dates when such reconciliation statements must be submitted. The employee who is authorized to use a procurement card and his/her

department head or his or her designee shall sign the reconciliation statement to indicate approval and that all charges are proper and the correct amounts have been charged. Such reconciliation must include receipts for each use of the procurement card and a brief description of the good or service purchased. Original receipts, invoices and credit slips from each purchase must be provided for reconciliation and audits. Photocopies will not be acceptable. These documents should be attached to the appropriate monthly statement and retained for review. An approved out-of-county travel form must also accompany any receipts for expenses incurred during out-of-county travel. Upon request, an additional detailed and written explanation must be provided for any use of a procurement card.

12. It shall be the responsibility of each employee who is authorized to use a procurement card to contact the vendor and/or procurement card issuer directly regarding any discrepancies between the receipt and statement. The Director of Purchasing and The County Budget Director must be notified of any discrepancies.
13. The department head and/or the Director of Purchasing may suspend or revoke the privilege of any employee to use a procurement card at any time. Further, the Director of Purchasing, with just cause, may suspend the privilege of procurement card use for any department. For the purposes of this program, the term, "just cause" includes, but is not limited to, failure to comply with procedures, policies and guidelines regarding the use of procurement card(s).
14. The Director of Purchasing shall conduct a periodic review of each procurement card and supporting documentation and departmental procedures on a continuous basis to ensure compliance. The Director of Purchasing shall, after consultation with the County Comptroller and County Budget Director, develop and promulgate the practices and procedures for conducting these reviews. Failure to comply or cooperate with an audit may result in the suspension or revocation of the privilege of any employee or department to use procurement card(s).
15. In addition to the provisions contained herein and those implemented by the Director of Purchasing, a department head may implement additional rules regarding the use of procurement cards. Such additional rules shall not supersede those policies and procedures implemented by the Director of Purchasing or contained herein.

## **SECTION X. EXCEPTIONS TO PROCUREMENT LAWS AND POLICIES**

1. "A good faith" effort shall be made to obtain the required number of proposals or quotations. If the Purchasing Department is unable to obtain the required number of proposals or quotations, the Purchasing Department shall document the attempt made at obtaining the proposals/quotations. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

- Emergencies;
- Sole source situations;
- Preferred Source situations, goods purchased from agencies for the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Goods or services purchased from another government agency or public jurisdiction within New York State that provides services to municipal governments;
- Goods purchased from surplus government auction;
- Mandates requiring Ulster County to contract with all qualified providers at a rate established by the federal government or New York State.
- Contracts as part of a grant process where the contractor is identified as the provider in the grant application.
- Physicians, attorneys.
- Professional services that require professional methods, character or standards as determined by the Director of Purchasing.

### **2. PURCHASES FROM OTHER THAN THE LOWEST RESPONSIBLE DOLLAR OFFERER**

General Municipal Law Section 104-b, Subdivision 2, paragraph (e) requires that the policies and procedures "require justification and documentation of any contract awarded to other than the lowest responsible dollar offerer, setting forth the reasons such an award furthers the purpose of this section."

Any time a purchase is made from other than the lowest responsible vendor or contractor submitting a quotation or proposal, there must be justification and documentation of the reason why the purchase was in the best interest of the County and otherwise furthers the purposes of GML Section 104-b.

For example, if a vendor submitting the lowest proposal has a history of not making deliveries on time or of delivering goods of inferior quality, such facts might be justification for taking other than the lowest offer, but such decision must be documented with facts, and the vendor must be given an opportunity to be heard as to any objection prior to awarding the contract to a different vendor.

Where formal bidding procedures are not required by laws or regulations, quotations are solicited when possible.

### **3. PROFESSIONAL DESIGN/SURVEYING SERVICES (QUALIFICATION-BASED SELECTION)**

As a public owner, Ulster County has the right to choose any selection process for professional services, unless restricted by applicable statute. NYS Finance Law, Section 136a, requires all State agencies to procure professional architectural engineering and surveying services using Qualification Based Selection (QBS). Federally funded projects also require utilization of the QBS process for the procurement of professional architectural, engineering and surveying services. NYS General Municipal Law, Section 104-b acknowledges that some services are not best procured by the competitive bid method in that it allows the latitude or option for local governments to adopt separate procurement procedures such as QBS.

Therefore, notwithstanding any previous requirements, in those instances when Ulster County receives Federal and State funds to procure Professional Design/Surveying Services, QBS shall be an exception to the RFP process. When utilizing QBS, the County will establish evaluation criteria, solicit statements of qualifications from interested firms, develop a short list of 3 to 5 firms, investigate references, jobs, invite for oral interviews, interview and rank the firms, establish contract terms, ask for a fee proposal and, if agreeable, enter into a formal contract.

### **SECTION XI. E-PROCUREMENT**

Purchasing participates in the HVMPG (Hudson Valley Municipal Purchasing Group) e-procurement system. This system provides one centralized bidding and registration system for vendors as a single point of contact with broader access to new business opportunities throughout our community. This new system, developed in conjunction with a local company, BidNet, allows Ulster County and other local municipalities to post invitations to bid, informal quotes, requests for proposals, construction notices, addenda and awards all on one centralized system. This type of system will save County taxpayers money, expand economic opportunities for businesses throughout the County, reduce time spent acquiring goods, and improve the customer service levels of the County purchasing function.

### **SECTION XII. SALE OF COUNTY SURPLUS PERSONAL PROPERTY**

Upon a Department Head making the determination that an item or items of County property (other than real property) are no longer necessary for public use, the Director of Purchasing may utilize an electronic auctioning service such as eBay, or an equivalent service provider, to dispose of said property without notification in the official publications of the County. On site Auctions will require advertising legal notices in assigned newspapers.

### **SECTION XIII. CENTRAL SERVICES UNIT**

The Central Services Unit of the Ulster County Purchasing Department is located behind Information Services at 25 South Manor Avenue, in Kingston, New York, and consists of two sections:

Central Mail Room  
Central Duplicating

Services of the Central Mail Room are as follows:

1. Pick-up and delivery of inter-office and U.S. postal mail;
2. Registered mail;
3. UPS pick-up and delivery;
4. Bulk mailings;
5. Return Receipt Requested mail;
6. Express mail.

This is an automatic service that all departments are required to participate in.

#### Postage:

This section only applies to reimbursable departments.

These chargebacks will be done once a month through the financial system by Central Services personnel. The charge will be DEBITED from the Appropriation Account that has been established for POSTAGE.

#### Services of Central Duplicating:

Duplicating Services include:

1. Duplication of small and large reproduction jobs
2. Folding
3. Binding
4. Stapling

All requests for the Central Duplicating services must be accompanied by a properly completed "Duplicating Request" form #ADM-E-104. At the end of each month the duplicating costs will be charged back through the Central Services billing process and an invoice will be generated and forwarded to the department. This process only applies to reimbursable departments.