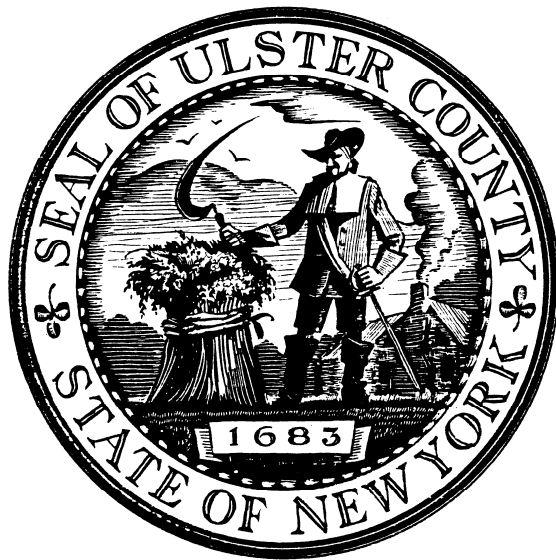


PROCEDURES MANUAL ULSTER COUNTY PURCHASING DEPARTMENT

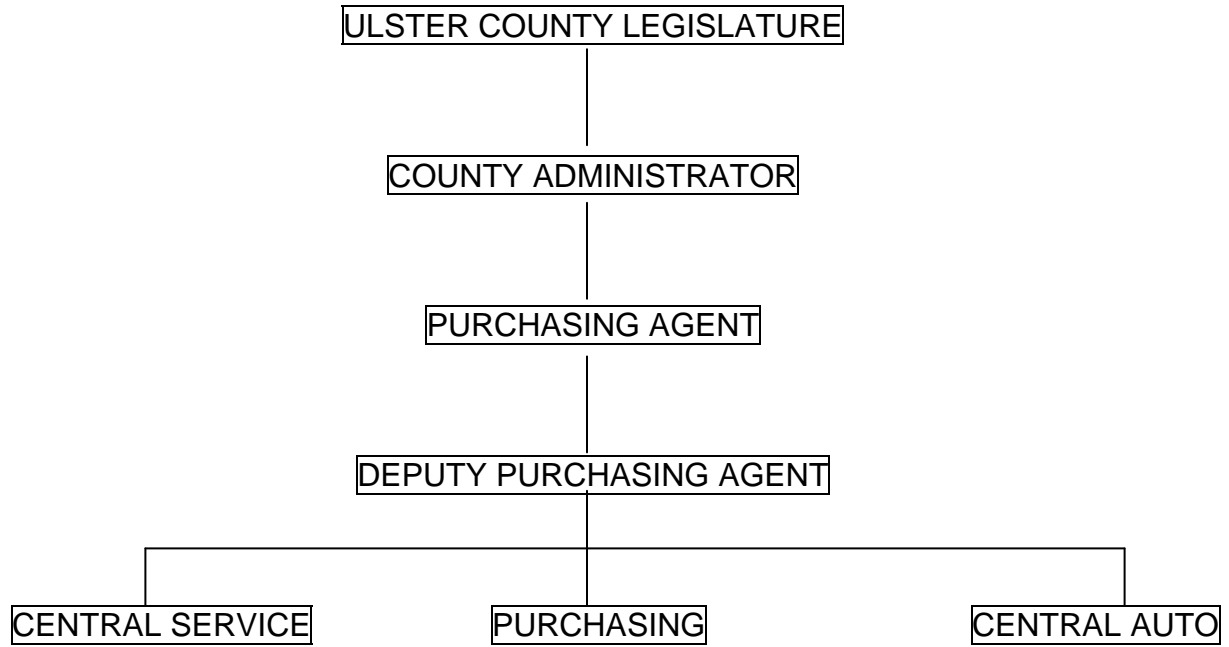


Robin L. Peruso, CPPB
Purchasing Agent

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SECTION I
ORGANIZATIONAL CHART



OBJECTIVE

These operating policies will define the basic steps necessary in order for the Purchasing Department to effectively plan and schedule its responsibilities in a cost-effective manner.

In addition to Purchase Procedures included are sections covering other pertinent areas that are of interest to all County Offices.

AUTHORIZING LEGISLATION

1. Local Law No. 4, 1978 creating the office of County Purchasing Agent.
2. Resolution 544 November 9, 1978 establishing duties of County Purchasing Agent.
3. Resolution No. 13 January 8, 1981 authorizing contracts for highway construction work to be advertised by Purchasing agent and awarded by County Legislature.
3. Resolution 66 March 12, 1992 policies and procedures relating to General Municipal Law Section 104-b.
4. Resolution No. 93 dated March 9, 2000 establishing threshold limits for Professional Services.

COUNTY OF ULSTER
LOCAL LAW INTRODUCTORY NO. 4 OF THE YEAR 1978

A Local Law to create the office of County Purchasing Agent BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ULSTER AS FOLLOWS:

ARTICLE I
OFFICE OF COUNTY PURCHASING AGENT

Section 1. The office of County Purchasing Agent in the County of Ulster, State of New York, be and hereby is created, and the Ulster County Legislature shall designate and appoint a suitable person to fill such office.

ARTICLE II

Section 1. The term of office of the County Purchasing Agent shall be the term for which the then members of the Legislature were elected.

Section 2. The compensation for the office of County Purchasing Agent shall be fixed by resolution of the Ulster County Legislature prior to making such appointment and shall not be increased or decreased during the term of office for which the appointment was made except as authorized by law.

ARTICLE III
POWERS AND DUTIES

Section 1. The County Purchasing Agent shall have such powers and duties as provided by Article 16 of the County Law, and such other powers and duties as may be granted or imposed by statute or resolution of the Ulster County Legislature,

provided however, that said Board shall not grant or impose powers or duties inconsistent with statutory provisions.

ARTICLE IV
EFFECTIVE DATE

Section 1. This local law shall take effect immediately upon full compliance with the provisions of the statute;

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 30 NOES: 2
1 Absent

RESOLUTION NO. 544 NOVEMBER 9, 1978

ESTABLISHING THE FUNCTION AND DUTIES OF THE COUNTY PURCHASING AGENT AND DELEGATING NECESSARY AUTHORITY TO THAT OFFICE

Legislators Klein, White and Perry offer the following:

WHEREAS, Local Law No. 4, 1978 of the County of Ulster has established the Office of Purchasing Agent, and

WHEREAS, the County Budget and Operations Committee has met, reviewed and approved the concept and the guidelines,

RESOLVED, that the County Purchasing Agent is hereby authorized to manage and control all purchasing activities, and

FURTHER RESOLVED, that the County of Ulster charge the County Purchasing Agent with the responsibility for developing and managing a planning and scheduling program,

FURTHER RESOLVED, that the County of Ulster provide said purchasing agent with the authority to review the validity and program appropriateness of purchases, and

FURTHER RESOLVED, that the County of Ulster provide that said purchasing agent establish a data information system adequate to carry out its planning and scheduling responsibilities, and

FURTHER RESOLVED, that the County of Ulster provides that competitive procedure be used for purchases of all commodities and services, and

FURTHER RESOLVED, that the County of Ulster provide said purchasing agent with the authority to make all purchases and to execute all contracts for services, capital projects and supplies for the various county offices, buildings, institutions, agencies and grounds and to let to public advertisement for bids on said purchases and contracts where required by Section 103 of the general municipal law and to award said purchases and contracts to successful bidders, and

FURTHER RESOLVED, that the County of Ulster require that said purchasing agent publish written criteria, policies and procedures governing the evaluation award process and

FURTHER RESOLVED, that the County of Ulster require that using agencies adhere to pertinent statutory, regulatory and central purchasing operational policies, and

FURTHER RESOLVED, that the County of Ulster charge central purchasing with the responsibility for establishing a specification and standardization program with written policies and procedures, and

FURTHER RESOLVED, that the County of Ulster grant central purchasing the authority to review, modify and approve specifications but where there is dispute on substantial matters, such specifications may be modified and approved only after consultation with the respective department head and the appropriate committee of the Ulster County Legislature, and

FURTHER RESOLVED, that the County of Ulster require said purchasing agent establish and administer a formal inspection and testing program, and

FURTHER RESOLVED, that the County Purchasing Agent shall prepare at once, a manual, to cover every aspect of all purchases by the County Purchasing Agent, to include but not be limited to, the standardization and specification program, the inspection and testing program, and all purchases required to be let only after competitive bid, and the methods for resolving any serious disputes with department heads concerning important matters of competitive purchases, pursuant to 103 of the General Municipal Law, and

FURTHER RESOLVED, that the County of Ulster charge central purchasing with the responsibility for overall supervision and ultimate control over both the inventory and surplus programs, and

FURTHER RESOLVED, that the County of Ulster explicitly provide the authority for intergovernmental cooperative purchasing under rules established by the central purchasing authority, and

FURTHER RESOLVED, that the County of Ulster require that purchasing personnel and technical staff pursue a policy of professional development through affiliation with accredited purchasing associations and through journalized career development education programs, and

FURTHER RESOLVED, that the County of Ulster require that said purchasing agent establish and adhere to specific procedures, standards and requirements relating to capital projects,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 17 Dems NOES: 15 Rep

Legislator Dina - Absent

FINANCIAL IMPACT: NONE

RESOLUTION NO. 13 JANUARY 8, 1981

RESOLUTION AUTHORIZING CONTRACTS FOR HIGHWAY CONSTRUCTION
WORK TO BE ADVERTIZED BY PURCHASING AGENT AND AWARDED BY
COUNTY LEGISLATURE

Legislators Dina and Nace offer the following:

WHEREAS, after a preliminary study of the Highway Department, the County Administrator has requested that the Purchasing Agent be given the clear authorization to advertise for bids and has recommended that the award of contracts be by Resolution of the Legislature, and

WHEREAS, Resolution 544 of 1978 provided that the Purchasing Agent be given authority to make all purchases and to execute all contracts for capitol projects and to let such contracts to public advertisement for bids, and

WHEREAS, said resolution did not, by express terms, provide that contracts for highway construction should fall within its purview, thereby leaving an ambiguity,

RESOLVED, that the County Purchasing Agent is authorized to let to public advertisement for bids, all contracts for construction, reconstruction or work to be performed under contract for purposes authorized in Article 6 of the Highway Law in the manner required by law, and

FURTHER RESOLVED, pursuant to Section 126 of the Highway Law, all such contracts shall be awarded only by resolution of the County Legislature,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 32 NOES: 0
 Legislator McCord - Excused.

FINANCIAL IMPACT:

NONE

POLICIES AND PROCEDURES RELATING TO GENERAL MUNICIPAL LAW
SECTION 104B

The General Services Committee, Chairman Philip J. Sinagra and Legislators Alice Tiff, Richard Gerentine, John Naccarato, Eilene Sottile, Linda Bertone and Jennette Provenzano offers the following:

WHEREAS, Subdivision 1 of Section 103 of the General Municipal Law was amended by chapter 413 of the laws of 1991, to increase bid limits from \$5,000 to \$10,000 for commodities and from \$7,000 to \$20,000 for public works projects and a new section, 104-b, was added which requires that procedures for purchasing goods or services that fall below the new monetary bid limits must be established and approved by the governing board, and

WHEREAS, procedures for complying with this new section of law are attached hereto and upon adoption of this resolution will be kept on file in the Policies and Procedures Manual in the Ulster County Purchasing Department, and

WHEREAS, each year these policies will be reviewed and updated by the Purchasing Agent with the approval of the County Attorney and General Services Committee,

RESOLVED, that the County of Ulster hereby adopts these policies and procedures and they will be made part of the policy manual for the Purchasing Department,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE

AYES: 32 NOES: 0

FINANCIAL IMPACT:

POSSIBLE SAVINGS

AMENDING RESOLUTION NO. 66 OF MARCH 12, 1992 – POLICIES AND PROCEDURES RELATNG TO GENERAL MUNICIPAL LAW SECTION 104-b – PURCHASING DEPARTMENT

The General Services committee (Chairman Felicello and Legislators Busick, Every, Gerentine, Noonan, Bertone and Donaldson) offers the following:

WHEREAS, Resolution No. 66 of March 12, 1992 established the Policies and Procedures for the Ulster County Purchasing Department in accordance with the General Municipal Law Section 104-b, and

WHEREAS, The Ulster County Purchasing Agent has recommended changes that reflect more options in lower priced purchases (\$3,000 – \$9,999.) In order that the Purchasing Department can rely on their own history and experience in making these decisions and to raise the level from \$20,000.00 to \$40,000.00 on low end professional projects, and

WHEREAS, in accordance with Resolution No. 66 of 1992 the Ulster County Attorney and the General Services Committee have reviewed said updates and recommend approval.

RESOLVED, that the County of Ulster hereby adopts the amendments to the policies and procedures for the Ulster County Purchasing Department as set forth on the attached sheet, and they will be made part of the policy manual for said department.

And moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 29 NOES: 0

(Legislators Dart, Feldman, Hunt and Tantillo – absent)

FINANCIAL IMPACT:
POSSIBLE SAVINGS

311

GENERAL MUNICIPAL LAW 104.b

PURCHASE CONTRACTS	DISCRETION OF P.A.	QUOTE VERBAL/TELE 3 MIN.	QUOTE WRITTEN 3 MIN.	BID
UP TO \$ 1,000	X			
\$1,000 - \$ 2,999	X	X		
\$3,000 - \$ 9,999	X	X	X	
OVER \$10,000				X

PUBLIC WORKS CONTRACTS	DISCRETION OF P.A.	QUOTE WRITTEN 3 MIN.	BID
UP TO \$ 4,999	X	X	
\$5,000 - \$ 19,999	X	X	X
OVER \$ 20,000			X

EXEMPTIONS	QUOTE WRITTEN 3 OR MORE	RFP	NEGOTIATED
Emergencies			X
*Insurance	X	X	X
True Lease			X
Second Hand Equipment			X
Hospital Purchase			X

PROFESSIONAL SERVICES	QUOTE WRITTEN	RFP	NEGOTIATED
Therapists, Counselors, Psychiatrists, Doctors, Nurses, Hairdressers, Attorneys			X
Projects with a potential cost of approx. \$40,000 i.e., clearly defined audits, Engineering or architectural services for renovations or non-capital project jobs, heating systems, artwork, video films, instructors, design services.	X		
Software and maintenance on computers, licensing of software systems shall be negotiated items.			X
Large projects over \$40,000 countywide i.e., architectural service for new construction, advertising campaigns, inventories, consultants, financial audits (every 4 years) and insurance.		X	

Department heads will have to be aware of these changes and consult with the Purchasing Agent prior to committing the County in a contract situation.

All RFP's that are processed shall be done in conjunction with the Purchasing Agent in order to take advantage of Purchasing's expertise in this area and to ensure they are prepared and evaluated properly and fairly. RFP's shall be assigned a number in our bid system for audit trail purposes.

- At discretion of Insurance Officer – See page 4.

UPDATED 2/00

GENERAL MUNICIPAL LAW 104.b PURCHASING GUIDELINES

PURCHASE CONTRACTS

Purchases that **exceed \$10,000** must be publicly bid per NYS law

Purchases **under \$10,000** are made at the discretion of the Purchasing Agent. The established procedure is to obtain three written quotes for purchases that **exceed \$1,000**.

PUBLIC WORKS CONTRACTS

Public Work Contracts that **exceed \$20,000** must be bid per NYS law.

Public Work Contracts **under \$20,000** may be entered into at the discretion of the Purchasing Agent. The established procedure is to obtain three written quotes for projects that are estimated to cost between **\$5,000 and \$20,000**.

EXEMPTIONS - NEGOTIATED

NYS law provides for the following categories to be **negotiated**. A quote or RFP may be applicable as determined at the discretion of the Purchasing Agent.

Emergency Purchases

Insurance

True Leases

Used Equipment

Hospital/Nursing Home Equipment

PROFESSIONAL SERVICES

REQUEST FOR PROPOSAL

For Professional Services that will **exceed \$40,000, 104-b**, requires a Request For Proposal (RFP) be issued. E.g., architectural service for new construction, advertising campaigns, inventories, consultants, financial audits and insurance.

All RFP's shall be processed in conjunction with the Purchasing Agent in order to take advantage of Purchasing's expertise in this area and to ensure they are prepared and evaluated properly and fairly. RFP's shall be assigned a number in the bid system.

WRITTEN AGREEMENT

Professional Services with a potential cost of **less than \$40,000** require a Written Agreement. E.g., clearly defined audits, engineering or architectural services for renovations or non-capital project jobs, heating systems, artwork, video films, instructors, design services. These contracts will be processed through the Contract Management Department.

NEGOTIATED

Therapists, Counselors, Psychiatrists, Doctors, Nurses, Hairdressers, Attorneys, software and maintenance of computers, licensing of software systems, etc. shall be negotiated at the discretion of the Purchasing Agent.

POLICY RELATIVE TO RESOLUTION NO. 66 OF MARCH 12, 1992

ULSTER COUNTY POLICY FOR PROCUREMENT NOT SUBJECT TO BIDDING REQUIREMENTS AS PER GENERAL MUNICIPAL LAW 104-b EFFECTIVE JANUARY 1, 1992

Subdivision 1 of Section 103 of the General Municipal Law as amended by chapter 413 of the laws of 1991 to increase bid limits from \$5,000 to \$10,000 for commodities and from \$7,000 to \$20,000 for public works projects and a new section, 104-b, was added which requires that procedures for purchasing goods or services that fall below that new monetary bid limits must be established and approved by the governing board, the following is submitted:

GUIDELINES FOR QUOTING – ULSTER COUNTY PURCHASING

See attached guidelines on page 13, which shall be followed for purchases and public works contracts that fall below the newly established monetary bid limits.

DETERMINATION OF WHICH PROCESS TO USE (BID OR QUOTE):

Purchase shall be evaluated with attention given to cumulative dollar amounts expected in a given fiscal year. When necessary, canvassing of using departments will be done to determine yearly value of commodity. Past history can be taken into consideration when evaluating yearly costs associated with the purchase of a commodity. If the bid limit is suspected to be exceeded, bidding shall take place. This decision shall rest with the Purchasing Agent.

METHODS OF PROCUREMENTS NOT COVERED BY BIDDING:

TELEPHONE QUOTES
WRITTEN/FAX QUOTES
RFP'S (REQUEST FOR PROPOSAL)

Most purchases that fall in our stated dollar categories will be quoted in one method or another. Due to past history or general knowledge, some purchases shall be placed directly. Many times the dollars saved will not offset the time expended to quote.

If any purchases or projects under the respective bid limits, but suspected to exceed such limits, discretion shall be used and the bidding procedure may take effect.

Under no circumstances will a quote that exceeds the bidding limits be awarded.

Telephone Quotations: The telephone log or other record should record at a minimum: date, item or service desired, price quoted, name of vendor, and name of vendor's representative.

Written/Fax Quotations: Vendors should provide at a minimum: date, description of item or details of service to be provided, price quoted, and name of contact.

Request for Proposals: An effective way to award contracts for professional services is to award them only after a minimum number of professionals are contacted and asked to submit written proposals. Requests for proposals (RFPs) are traditionally used as a means of obtaining all types of professional services. RFPs are used to obtain the services of: architects, engineers, accountants, underwriters, fiscal consultants, and other professionals.

A request for proposals and evaluation of proposals can consider price plus other factors like experience, staffing and suitability for needs and may include negotiations on a fair and equal basis. The award should be the most advantageous to the unit.

The process involves making a request for proposals from various firms or professionals, and then evaluating the proposals received. Depending on the complexity of the situation, we may prepare the RFP in-house or we may need to obtain a consultant to help prepare it. Contract Management may review RFPs, contracts to be executed with the firm selected, and any other needed items.

The overall process involves three steps:

First, a well-planned solicitation effort is needed to identify a sufficient number of qualified firms. To locate qualified firms, we may advertise in trade journals, check listings of professionals, talk to other local governments, etc. Although many firms may be active in a given locality, not all are likely to have the specialized knowledge and experience needed to perform a satisfactory service. A good solicitation effort helps to ensure that these qualified firms are aware of the government's needs and procurement procedures and are thereby able to participate in the proposal process.

Second, a well-planned solicitation effort helps encourage qualified firms to respond to requests for proposals (RFPs). Preparing a response to an RFP can be costly. Qualified firms may be unwilling to go to the trouble and expense of preparing a proposal if critical details of the engagement or the method used to select (i.e. quality versus price) are not made clear during the solicitation process.

Third, a well-planned solicitation effort can result in reduced costs through increased competition. Of course, if not properly managed, competition can produce unsatisfactory results. A government may obtain a poor quality service, for example, if only cost factors are considered in the selection of a firm. However, if a sufficient pool of qualified firms is identified through a sound solicitation effort, governments can enjoy the economic benefits of competition without sacrificing quality.

There is no requirement in Section 104-b on the frequency of solicitation; periodic solicitation can be made at reasonable intervals. For example, a professional could be selected with the option of extending the contract in the second and third years before doing another RFP process.

DOCUMENTATION:

All quotes (written or telephone) shall be documented on existing Purchasing quote forms and filed by number in respective year's files. All purchases resulting from same shall have quote number referenced on purchase order or voucher, thus creating an audit trail.

All awards from quotes shall be made to the lowest responsible and responsive bidder if possible. Circumstances which will be documented may dictate purchase from other than low bidder (i.e. delivery requirements, quantity requirements, if a pickup, the location of vendor, known past experience of a vendor, etc.).

Copies of quotes are sent to Audit Department.

EXCEPTIONS TO BIDDING:

Emergency: 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 with documentation as to the nature of the emergency and shall be sent to the Purchasing Agent within five (5) working days of such procurement. Existing confirming policy shall also be complied with wherein purchase must be approved by County Administrator.

Professional Services & Consultants: Contracts that require professional methods, character, or standards fall into the Professional Service contract category. Many of these professional services require a state license to practice or may be creative and specialized in nature.

PLEASE REFER TO CHART ON PAGE 13 FOR BREAKDOWN OF PROFESSIONAL SERVICES PROCUREMENTS.

Where applicable, the Ulster County Purchasing Agent will initiate one of several processes (written/fax quote OR RFP) in order to acquire professional services at the best price for Ulster County. A minimum of three vendors will be solicited when possible.

These Professional Service contracts will be processed the Contract Management Department of Ulster County.

Mandate/Preferred Sources: Mandated procurement sources shall be investigated when products offered are requested by using departments. These sources include but are not limited to Department of Correction, Industries for the Blind of New York State and the N.Y.S. Industries for the Disabled.

Insurance: All agreements for insurance coverage will be investigated by the Ulster County Self-Insurance Officer. If competition is available in the market, RFP's will be requested, evaluated and award made. If no competition is available, a contract will be negotiated between the County and the respective carrier. All Insurance coverage agreements will be included in the County Contract Routing System through Contract Management.

Sole Source: When there is only one possible source from which to procure goods and/or services, thus indicating there is no possibility of competition, the following will be shown:

1. Unique benefits of item needed;
2. No other product/service can compare;
3. Cost is reasonable as compared to product offered;
4. There is no competition available.

True Lease: Prices will be negotiated between the County of Ulster and Lessor.

SECTION II
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. Ulster County 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 Buying staff and the Purchasing Agent. 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 it has been aggrieved in the drafting or issuance of a bid solicitation, or by a pending contract award, may present to the U.C. 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 U.C. 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 U.C. 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 which form the basis of the protest, and, (in the case of a Capitol Project) five (5) days prior to final approval by the U.C. Legislature.

2. A formal protest must be submitted in writing to U.C. Purchasing by mail, or facsimile transmission.

3. A formal protest must include:
 - (a) a statement of all grounds for disagreement with a U.C. 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 U.C. Purchasing Agent at the following address:

U. C. Purchasing Department
County of Ulster
310 Flatbush Avenue – 3rd 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 U.C. 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 Purchasing Agent 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. The Buyer will conduct a review of the records involved in the protest and provide a memorandum to the Purchasing Agent summarizing the results of the review and her/his recommendation for resolution. The Purchasing Agent will evaluate the Buyer's recommendation, the material presented by the protester, and, if necessary, consult with agency Counsel, and prepare a draft response to the protest.
3. Acceptable Activity Prior to Final Determination: If a formal bid protest is received by U.C. 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 Purchasing Agent.
4. Notice of Decision: A copy of the decision, stating the reason(s) upon which it is based and informing the protester of the right to appeal an unfavorable decision to the Purchasing Agent 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. The U.C. Purchasing Department reserves the right to waive or extend the time requirements for decisions and appeals herein prescribed when, in its sole judgment, circumstances so warrant.

The U.C. Purchasing Department 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 withdraw the recommendation of contract award prior to issuance of a formal protest decision.

If the U.C. Purchasing Department 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 Administrator
244 Fair Street
PO Box 1800
Kingston, NY 12402-1800
Facsimile: (845) 340-3800
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. The decision of the Purchasing Agent shall be a final and conclusive agency determination unless appealed to the County Administrator within such time period.
3. The County Administrator shall hear and make a final determination on all appeals. The County Administrator 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 Purchasing Agent 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 III

OPERATING POLICIES FOR ULSTER COUNTY DEPARTMENTS AND AGENCIES

A. Purchasing Procedures (Both Bid and Non-Bid Purchases)

1. Request for Purchases: (Purchase Requisition)

Form filled out and sent to Purchasing Department electronically via the AS/400 system.

Some notes about the AS/400 system:

APPROPRIATION NUMBERS WILL ALLOW INDIVIDUAL INTERNAL APPROVALS. YOUR INDIVIDUAL APPROVALS WILL BE AUTOMATICALLY ENTERED BY USER CODE.

- a. Equipment over \$1,000; (This requires legislative committee approval)
- b. Technology equipment (I.S.) “
- c. Transfer of funds within 4000 and 2000 accounts.

BY USING CORRECT APPROPRIATION CODES, REQUISITIONS WILL AUTOMATICALLY BE FORWARDED TO THE CORRECT APPROVAL DEPARTMENT. APPROVALS WILL BE MADE, THEN FORWARDED TO THE NEXT APPROVAL LEVEL, ENDING WITH PURCHASING DEPARTMENT i.e.:

Requisition for new \$1,000.00 printer is entered...automatically goes to I.S. who approves and enters...automatically goes to County Administrator who approves and enters...automatically goes to Purchasing.

When Purchasing Department receives Requisitions, they will be distributed to various Buyers within the Department. Buyers will process the information and a) turn the Requisition into a Purchase Order; b) prepare a Quote, then complete the Requisition accordingly; or c) prepare a Bid then complete the Requisition accordingly.

2. Determination of Purchase Type:

- a. The Purchasing Department will determine the purchase type according to the criteria as set forth in the General Municipal Law and the Purchase Manual.

3. Preparation of Specifications:

- a. The Purchasing Department will prepare specifications for the purchase.
- b. In those cases where technical support is required of other departments, they shall coordinate their efforts with the Purchasing Department.

B. Purchase Procedures (Bid Purchases)

1. Preparation and publication of legal notices:

- a. The Purchasing Department will prepare and arrange for publication of the Legal Notice.

2. Bid Opening:

- a. The Purchasing Department will determine the time and date of the opening of sealed bids.
- b. Except in a special situation, a minimum of two weeks elapsed time will be allowed between publication of legal advertisements and opening of bids.
- c. All bids will be opened at the prescribed time and place in the office of the Purchasing Department.
- d. A representative of the department concerned may attend the bid opening, but it is not a requirement to do so.
- e. The Purchasing Department may accept or reject for consideration any or all bids. Any conflict or misunderstanding amongst the parties will be brought to the attention of the County Attorney if the Purchasing Agent cannot resolve it.

3. Award of Contract:

- a. The Purchasing Agent will make the award of contract.

4. Payment:

- a. Is the responsibility of the ordering Department.

C. Purchase Procedures (Non-Bid Purchases)

1. Preparation of Vendor Lists:

- a. The Purchasing Department is a member of the Hudson Valley Municipal Purchasing Group (HVMPG). This is an on-line vendor registration system for multiple counties,
- b. The Requisitioning Department may request responsible vendors to be placed on the list.

2. Request for Price Quotation:

- a. The Purchasing Department will prepare and seek price quotations based on specifications. All price quotes will be assigned a number for audit purposes.

3. Price Quotation Analysis:

- a. The Purchasing Department will receive and evaluate all price quotations and select the vendor to be used.

D. Purchase Orders:

When a Buyer completes the Requisition, it will be assigned a Purchase Order Number. These numbers will be automatically assigned by the computer and will be accessed through the computer.

Purchase Orders will be printed each night at Information Services and hard copies forwarded the next day to Purchasing. Copies of Purchase Orders will be forwarded to using departments. Original will be sent to vendor.

Departments may browse the network for status of Requisitions or Purchase Orders. Status field will tell them if they are still in approval mode, if they are in Buyer's hands or if a P.O. number has been assigned.

1. Delivery:

- a. The requisitioning Department will inspect and accept the delivery, unless the nature or complexity of the purchase requires the inspection by the Purchasing Department.

2. Payment:

- a. All invoices will be sent to the Requisitioning Department by the vendor.

E. Commodity and Sub-Commodity Codes:

Using the Commodity and Sub-Commodity Codes will offer Ulster County the ability to track usage on items. Many times when we go to bid we have no idea of exactly how many of each item were bought the previous bid term, and thus cannot offer this information to the vendors. Using Commodity Codes can allow Purchasing to see how many of an individual item is ordered County-wide. Knowing how many of an item we expect to purchase could affect the prices we receive on a given bid.

Departments will capture the information automatically when they place a Requisition. Purchasing will code all bids processed to make ordering easier, however, when an item is not bid, the Using Departments will have to access the Commodity Code and choose the CODE themselves.

F. Vendor Codes:

Using Departments will be expected to place Vendor Codes on Requisitions they process. Vendor Codes can be accessed either by number or by the name of the Vendor. If a Vendor is not known, the Using Department can enter a Code that tells us that we must find a vendor.

SECTION IV

EMERGENCY PURCHASE

The term “Emergency Purchase” as defined in Section 4 of the General Municipal Law is as follows:

“...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 sub-division or district therein, require immediate action which cannot await competitive bidding, contracts for purchase or public work may be let without compliance without formal advertising requirements...”

In other words, unless the situation threatens lives, health or public property safety, the purchase of service or products must go through normal channels meaning the Purchasing Department.

In those cases of emergency, requiring immediate action, the department head responsible for that operation will assume charge of the operation. The following procedure will then be used:

1. Contact the vendor immediately and arrange the purchase.
2. Notify the Purchasing Department as soon as possible, that emergency purchases are necessary and being arranged, what is required, and from whom the purchase is being made.
3. Within five (5) days after the emergency procedure is made, the department head will process an electronic “Confirming Purchase” requisition indicating descriptions of the purchase and other sufficient information to allow a purchase order to be prepared.
4. The Purchasing Department will then prepare a purchase order in accordance with normal procedures outlined in “Non-Bid Purchase Procedures”.
5. The County Administrator will review all “Emergency” orders after the fact by reviewing electronic requisition.

SECTION V

RECORD OF LEASES, CONTRACTS AND MAINTENANCE AGREEMENTS

All contracts for leases, maintenance and services are to be submitted on County Contract Routing Slips. Attach one (1) original and five (5) copies and send to the Purchasing Agent for signature. Contract will be processed, numbered and entered in the Contract Management System through Contract Management.

Copies will be sent to the originating Department, Auditing Department, Self-Insurance and Contract Management Department with the original being filed in the Purchasing Department.

Information regarding contract and insurance expiration dates is available for all departments through the computer system.

Departments are responsible for preparing contract and insurance updates and forwarding to the Contract Management and then the Purchasing Department.

Contracts requiring the County Chairman's signature are handled through Ulster County Administration.

In order to insure a vendor code is entered into the HTE data base, the originating department is to obtain a signed W—9 form from the contractor and forward to Auditing prior to routing the contract.

SECTION VI

CENTRAL SERVICES UNIT

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

Central Mail Room
Central Duplicating

Services of the 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:

These chargebacks will be done once a month through the system similar as to how they are done now. The charge will be **DEBITED** from the Appropriation Account that has been established for POSTAGE. This only applies to reimbursable departments.

Duplicating:

Services for Duplicating are as follows:

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

All requests for the services for the Duplicating Section must be accompanied by a "Duplicating Request" form (see attached form) and properly filled out. At the end of each month cost will be charged back through the Central Services billing.

These chargebacks will be the same to the end user; however, the charge for the service will be deducted right when the work is completed. The charge will be **DEBITED** from the Appropriation Account shown on the order.

If a job is returned, the charge will be **CREDITED** to the Appropriation Account.

SECTION VII

CENTRAL AUTO UNIT

The Central Auto garage is located at 125 Maxwell Lane behind the Ulster Fire Department on Lucas Avenue in the City of Kingston.

Central Auto is responsible for maintenance of all County vehicles excluding Highways and Bridges and UCAT.

Departments are requested to make appointments by calling 334-5406 and scheduling preventative maintenance servicing. . If, however, breakdowns occur, autos may be taken directly to the garage. All work must be requested on a County Purchase requisition. Hours are 7:00 a.m. to 4:30 p.m. M-F.

These chargebacks will be processed on a monthly basis through the financial system. The charge will be **DEBITED** from the Appropriation Account that has been established for Auto Maintenance. This only applies to reimbursable departments.

Central Auto provides NYS inspections of county vehicles.

Roadside repair is provided if possible.

