

NEW ROCHELLE INDUSTRIAL DEVELOPMENT AGENCY

PROCUREMENT POLICY

A. Introduction

1. Applicability - This Procurement Policy (“Policy”) shall apply to the New Rochelle Industrial Development Agency (the “Agency”).
2. Scope – In accordance with Article 18-A of the General Municipal Law (the “GML”), Section 104-b of the GML, and the Public Authorities Accountability Act of 2005, the Agency is required to adopt procurement policies which will apply to the procurement of goods and services paid for by the Agency for its own use and account.
3. Purpose – Pursuant to Section 104-b of the GML, the primary objectives of this Policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of the City of New Rochelle, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption.

B. Procedures

1. Solicitation Procedures for the Purchase of Commodities, Equipment, Goods or Services.
 - a. Up to \$5,000 per instance – The discretion of the Chairperson or Chief Executive Officer of the Agency or authorized designee.
 - b. Greater than \$5,000 to \$20,000 per instance – The discretion of the Chairperson, Executive Director or Chief Executive Officer of the Agency or authorized designee but only after first requesting verbal quotations or written/fax/email quotations from at least three (3) vendors.
 - c. Greater than \$20,000 per instance – Written Request for Proposal.
 - d. Notwithstanding the foregoing, should cumulative procurements pursuant to paragraphs a or b above exceed \$50,000 per calendar year for a single vendor, the Agency shall be required to prepare a Written Request for Proposal for such procurements.
2. Exceptions. Alternative proposals or quotations shall not be required for procurements made through or with respect to:
 - a. New York State, Westchester County or City of New Rochelle Contracts – when the Agency is able to procure commodities,

equipment, goods or services through New York State, Westchester County or City of New Rochelle contracts, it is unnecessary to obtain quotations or bids;

- b. Procurements made by the City of New Rochelle on behalf of the Agency in accordance with the City's procurement policies and procedures or made by the Agency in accordance with the City's procurement policies and procedures.
 - c. State Finance Law Section 175-b (from agencies for the blind or severely handicapped);
 - d. Correction Law Section 186 (articles manufactured in correctional institutions);
 - e. Emergency Procurements – an emergency exists if the delay caused by soliciting quotes would endanger health, welfare, property or an economic development opportunity. Approval of the Chief Executive Officer is necessary, which shall be documented and shall also include a description of the facts giving rise to the emergency.
 - f. Sole Source Procurements – A “sole source” means a situation where (i) there is only one possible source from which to produce goods and/or services available in the marketplace, (ii) no other goods and/or services provide substantially equivalent or similar benefits, and (iii) considering the benefits, the cost to the Agency is reasonable.
 - g. Utilities and Affiliate Transactions – The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements.
 - h. Unavailability of three (3) vendors who are able or willing to provide a quote.
 - i. Professional services unless the Chairman or the Executive Director determines that a written request for proposal may be in the best interest of the Agency.
3. Basis for the Award of Contracts.

Contracts will be awarded to the lowest responsible dollar offeror who meets the specifications therefor, except in circumstances that the Agency determines justify an award to other than the lowest responsible dollar offeror. In making any such determination, the Agency shall consider relevant factors including, without limitation:

- a. Delivery requirements;

- b. Quality requirements;
 - c. Quantity requirements;
 - d. Past vendor performance and/or experience;
 - e. The unavailability of three or more vendors who are able or willing to quote on a procurement;
 - f. It may be in the best interests of the Agency to consider only one vendor who has previous expertise with respect to a particular procurement; and
 - g. Any procurement excepted from the alternative proposal/quotation requirements as set forth in subdivision 2 of this Section B, and the procurement of professional services in Section C of this Policy.
4. Documentation
- a. A record of all solicitations for alternative proposals or quotations, the response (if applicable), and any determinations pursuant thereto shall be maintained in the procurement file.
 - b. For each procurement by the Agency the Chief Executive Officer of the Agency or authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.
 - c. Whenever an award is made to other than the lowest responsible dollar offeror the reasons for doing so shall be set forth in writing and maintained in the procurement file.
 - d. Whenever the specified number of quotations cannot or will not be secured, the reasons for this shall be indicated in writing and maintained in the procurement file.

C. Professional Services.

Contracts for professional services involve the application of specialized expertise, the use of professional judgment, or a high degree of creativity. Professional services include services which require special education and/or training, license to practice or are creative in nature. Examples are: lawyers, doctors, accountants, and engineers. Furthermore, professional service contracts often involve a relationship of personal trust and confidence.

D. Procurement Lobbying Law.

In accordance with Chapter 1 of the Laws of 2005, generally referred to as the “Procurement Lobbying Law”, the Agency shall implement the provision of such Procurement Lobbying Law for any contract or other agreement for an article of procurement involving an estimated annualized expenditure in excess of \$15,000.

E. Unintentional Failure to Comply.

The unintentional failure to comply with the provisions of Section 104-b of the GML shall not be grounds to void action taken or give rise to a cause of action against the Agency or any officer thereof.

F. Approval and Reporting.

To the extent that funds are available in the current year’s Budget adopted by the Board, the Executive Director shall have the authority to procure commodities, equipment, goods and services pursuant to the procedures set forth in this Policy and to make payment for such procurements up to twenty thousand dollars (\$20,000.00) in each instance. Any procurement in excess of twenty thousand dollars (\$20,000.00) or not provided for within the current year’s adopted Budget must be approved by the Board.

To the extent that funds are available in the current year’s Budget adopted by the Board, the Executive Director shall have the authority to (i) enter into an agreement with the City of New Rochelle (the “City”) to be an additional beneficiary of goods or services procured by the City and (ii) make payment to the City for the Corporation’s proportional share of the cost, if required, in an amount not to exceed twenty thousand dollars (\$20,000.00). Any such arrangements with the City that involve amounts in excess of twenty thousand dollars (\$20,000.00) or not provided for within the current year’s adopted Budget must be approved by the Board.

The Executive Director shall provide monthly reports to the Board detailing the procurements and payments to the City made pursuant to this Section F without Board approval, if any, within the previous month.