

OSWEGO COUNTY OPERATING POLICIES, REGULATIONS & PROCEDURES

SUBJECT: Purchasing Policy

NUMBER: PRP 2008-19

TYPE: Legislative

EFFECTIVE: _____

HISTORY: This PRP replaces PRP 2006-19 which is hereby rescinded.

SCOPE:

Oswego County Legislature and all County departments.

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DEFINITIONS

Bidding A public competitive process for choosing a vendor from which to purchase materials, supplies and services. The purchase is made from the lowest responsible bidder who submits a responsive bid.

Collusion Actions, contrary to law, of two or more persons to determine in advance the winning bidder or proposer of a contract let, or to be let, for competitive bidding or proposals by the County or any other such acts as are prohibited by law.

General Municipal Law. A state law governing bidding procedures for municipalities such as the County.

Professional or Technical Services. Services that involve specialized expertise, use of professional judgment, and/or a high degree of creativity. They are not purchase contracts or

contracts for public work. The individual or company may be chosen based on qualifications to include, but not limited to, reliability, skill, education and training, experience, demonstrated effectiveness, judgment and integrity. These qualifications are not necessarily found in the individual or company that offers the lowest price.

Professional or technical services shall include but not be limited to the following:

Accounting (CPA)	Investment Management Services
Advertising Agency Promotion	Laboratory Testing
Architectural	Legal
Computer Customized Software	Management of Municipally Owned Property
Programming Services	Medical/Dental Services
Consultants	Public Relations
Design Services	Records Indexing
Engineering	Writing, Editing or Artwork
Instructors/Teachers/Training	Investment Management Services
Insurance Coverage and/or Insurance Broker	DSS Legal Counsel (if privately contracted)

Public Works Contract. Includes, but is not limited to, contracts for material and work on roads, highways, buildings, structures and improvements of all types, the construction, reconstruction, major renovation or painting of which is performed or contracted for by the County to serve the public interest.

Purchase Contract. The purchase, lease, rental or other acquisition by a County department of personal property and services, including ordinary repair or maintenance, in support of the departments day-to-day activities and service provision.

Purchase Order. Document used by the Purchasing Department to purchase a product or service from an external vendor.

Purchase Requisition. The form used by departments that documents their requirements and is sent to the Purchasing Department for review and authorization prior to making the purchase.

Quote. Documentation from a vendor, preferable written, stating items, source, quantity, price, discounts, shipping, delivery time and contact information.

Request for Proposals (RFP) 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. Not to be confused with bidding.

Receiving/ Inspection Each department must designate receiving authority. The purchase order requires that reception of an item be documented. Prior to payment being authorized, reception and inspection of an item must be documented

Recycling The process of collecting sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products that meet the quality standards necessary to be used in the marketplace.

Waste Prevention Means any action undertaken by an individual or organization to eliminate or reduce the amount or toxicity of materials before they enter the municipal solid waste stream. This action is intended to conserve resources, promote efficiency, and reduce pollution.

Practicable Means sufficient performance and not unreasonably expensive.

Environmentally Preferable Products Means products that have a lesser impact on human health and the environment when compared with competing products. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, and /or disposal of the product.

Recycled Products Are products manufactured with waste material that has been recovered or diverted from the waste stream. Recycled material may be derived from post-consumer waste (material that has served its intended end-use and been discarded by a final consumer), industrial scrap, manufacturing waste, and/or other waste that otherwise would not have been utilized.

POLICY

Statement of Policy The County of Oswego shall purchase materials, supplies, equipment and services as needed, at the best possible prices and value, and maintain appropriate documentation in a manner in accordance with County Law and General Municipal Law. The County of Oswego hereby states that the purchase of environmentally-friendly products or services is the policy of the county whenever practicable. The County shall, at its option, establish purchasing regulations that do not conflict with the County Law and the General Municipal Law.

AUTHORITIES

Oswego County Legislature – The Legislature has approval authority, by majority vote, over all professional service contracts of \$5,000 or more, over all professional service pre-qualification lists, and over budget actions necessary to begin the purchasing process for materials, supplies, equipment and services.

Strategic Planning and Government Committee – In consultation with the Finance and Personnel Committee, the committee sets and amends County purchasing policy by majority vote.

Finance and Personnel Committee - In consultation with the County Administrator and Purchasing Director, the committee recommends, by majority vote, purchasing policies and amendments to the Strategic Planning and Government Committee.

Standing Committees – Standing Committees have review and recommendation authority, by majority vote, over all professional service contracts of \$5,000 or more, over purchase contract pre-qualification lists, and over budget actions necessary to begin the purchasing process for materials, supplies, equipment and services. Committee recommendations are sent to the County Legislature. Standing committees may approve contract renewals that contain significant amendments.

Legislature Chairperson – The Chairperson has signatory authority on all professional service and public works contracts of \$3,000 or more. The Chairperson has contract review authority, in conjunction with the County Administrator, County Attorney and Purchasing Director on all professional service contracts of \$3,000 or more. The County Administrator, in conjunction with the Legislature Chairperson, has approval authority on all equipment purchases of \$500 or more.

County Administrator – The County Administrator has contract review authority, in conjunction with the Legislature Chairperson, County Attorney and Purchasing Director on all professional service contracts of \$3,000 or more. The County Administrator, in conjunction with the Legislature Chairperson, has approval authority on all equipment purchases of \$500 or more.

County Attorney - The County Attorney has contract review authority, in conjunction with the County Administrator, Legislature Chairperson and Purchasing Director on all professional service contracts of \$3,000 or more.

Department Heads - Department Heads have signatory responsibility on all purchase requisitions from their departments, and on contracts less than \$3,000 per year.

Purchasing Director - The Purchasing Director, Fred Maxon, shall be responsible for developing and administering a modified central purchasing system to make provisions for all purchases, servicing, sale, lease, and rental, of materials, supplies, equipment and services for all departments and agencies of County government pursuant to and in compliance with the applicable provisions of laws and regulations and County policy. The Purchasing Director has signatory authority on all purchase requisitions and purchase orders. The Purchasing Director reviews the procurement activities of all County departments, as necessary, to ensure compliance with General Municipal Law and County policy, and may require written explanations and documentation from departments when purchasing policies are not followed, and may withhold authorization until such documentation is received. The Purchasing Director, in consultation with the County Attorney and department heads, determines if a transaction is a purchase contract, public work contract, or professional service. The Purchasing Director or designee shall be responsible for all required public advertising and competitive bidding; shall conduct all bid solicitations and openings and secure the recommendations for awarding contracts from the appropriate official(s).

LIMITS AND CONTROLS

REGULATION

1. Authorization limits and controls shall conform to General Municipal Law Section 103. The County may establish additional authorization limits and controls that do not conflict with General Municipal Law Section 103.

PROCEDURE

1. The authorized limits for purchasing transactions shall be reviewed annually by the Purchasing Director and, if necessary, adjusted by the Finance and Personnel Committee, to more accurately reflect the market pricing, inflation, processing expenses, and the County's utilization experience.
2. Prior to submitting a purchase requisition to the Purchasing Department, County staff are to refer to and follow:
 - a. Schedule A: Authorization Levels & Procedures: Purchase of Materials, Supplies and Equipment & Public Works Contracts, and
 - b. Schedule B: Authorization Levels & Procedures: Professional Services.

PURCHASING SYSTEM

REGULATIONS

1. The Purchasing Director shall authorize and administer all purchase agreements of the County for the acquisition of materials, supplies, equipment and services in accordance

with established procedures. The procedures contained herein are applicable for purchases in excess of five hundred dollars (\$500) for all County departments.

2. The County shall purchase materials, supplies, equipment and services as required, at the best possible prices, and maintain appropriate documentation. Depending on the type and amount of the purchase, purchases will be secured by use of written requests for proposals, competitive public bids, written quotations, or verbal quotations (in limited cases) , to ensure that goods will be purchased at the lowest price and value, and that favoritism will be avoided.
3. Purchases shall be made to the extent practicable, through available state contracts of the Office of General Services, Division of Standards and Purchase, Department of Correctional Services, New York State Industries for the Disabled, Industries for the Blind of New York State, surplus and second-hand purchases from another governmental entity, and competitive purchase contracts from other counties and municipal cooperatives, whenever such purchases are in the best interest of the County.
4. Opportunity shall be provided to all responsible suppliers to do business with the County. To this end, the Purchasing Director shall develop and maintain lists of potential suppliers for various types of materials, supplies, equipment and services. Such lists shall be used to develop mailing lists of potential suppliers and for distribution of specifications, invitations to bid, RFPs and RFQs. Any supplier may be included in the list upon request. Exceptions include vendors named ineligible by the NY State Office of General Services, or those whose past business practices have disqualified them from doing business with the County.
5. When soliciting bids, a statement of "General Conditions" shall be included with all specifications submitted to suppliers. These general conditions shall be incorporated in all contracts awarded for the purchase of materials, supplies, equipment and services.
6. The Purchasing Director shall only authorize purchase orders after first determining that unencumbered balances of budgetary appropriations are adequate to cover such obligations. If unencumbered balances are insufficient, a budget amendment must be approved by the proper authority prior to the Purchasing Director's authorization of the purchase order. Associated bills shall include a copy of the purchase order upon payment.
7. No official or employee of the County shall have financial interests in any purchase or contract secured by the County, without disclosure to and authorization from the originating department's standing committee. No official or employee of the County shall participate in collusive activity. This precludes:
 - a. acceptance of gratuities, financial or otherwise, by the above persons, from any supplier of materials, supplies, equipment or services to the County; and/or
 - b. the sharing of bids, RFPs, or specifications with potential bidders prior to the competitive process, and/or

- c. assisting a supplier or firm to win a contract award prior to or during the competitive process.
 - d. All other activities prohibited by federal, state or local law.
- 8. The Purchasing Director shall develop a procedure for the review of purchasing practices or activities upon receipt of any inquiry or allegation of violation of this policy following its adoption.
- 9. Oswego County will not pay for materials, supplies, equipment and services in advance. Partial payments to initiate contracts may be allowed upon consultation with the County Attorney and Purchasing Director.

PROCEDURES

1. **Determining and Documenting Type.** Every purchase must be initially reviewed to determine whether it is a purchase contract, a public works contract, or a professional service. Departments are to consult with the Purchasing Director if the determination is not readily apparent. A good faith effort will be made to determine if the aggregate amount to be spent on the item of supply or service is subject to competitive bidding or competitive proposal, taking into account past purchases and the aggregate amount to be spent in a year.
 - a. An opinion that a purchase is not subject to competitive bidding will be documented in writing by the individual requesting the purchase and provided to the Purchasing Director with the Purchase Requisition. This documentation may include written quotes from vendors, a memo from the purchaser indicating how the opinion was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate. The Purchasing Director must prepare a memo for the requisitioner concurring with or overriding the department's opinion. A copy will be attached to the requisition.
 - b. If the purchase is subject to competitive bidding or is a professional service, the department shall complete and submit a Purchase Requisition and refer to the COMPETITIVE BIDDING or PROFESSIONAL SERVICES sections of this policy for procurement procedures.
2. **Purchase Requisition.** Purchase Requisition must be completed by the department requesting the product and forwarded to the Purchasing Department before a Purchase Order can be issued. Requisitions can be either by the paper form or by the preferred electronic method. Departments shall complete a Purchase Requisition specifying the item(s) requested in as much detail as possible. Details concerning quality and grade, specifications, including samples from vendor catalogs, should be attached. Obtain department head or designee approval and original signature (signature stamps are not permitted), An electronic signature will be used and is an accepted form. Forward the requisition to the Purchasing Department. The yellow copy is retained by the originating department. The electronic system will save a copy of a dated request.

Authorizations are required for the following items prior to sending the requisition to the Purchasing Department:

- a. Purchase Requisitions for computers require the review and signature of the Director of Central Services.
 - b. Purchase Requisitions for cellular telephones require the review and authorization of the Community and Consumer Affairs Committee.
 - c. Purchase Requisitions for emergency communication radios require the review and signature of the Director of E-911.
3. **Authorization.** The Purchasing Director ensures compliance with the authorization limits and controls outlined in “Schedule A: Authorization Levels & Procedures: Purchase of Materials, Supplies and Equipment & Public Works Contracts,” and “Schedule B: Authorization Levels & Procedures: Professional Services.” The Purchasing Director approves vendor, authorizes Purchase Order, and forwards to the Audit Department for budget approval.
 4. **Encumbrances.** Audit Department encumbers funds, retains a copy of the Purchase Order for their records, and returns the Purchase Order to Purchasing. Including proper account numbers in the Purchase Requisition will eliminate delays in encumbering funds.
 5. **Procurement.** Purchasing sends Part 1 (white) of the Purchase Order to the vendor, files Part 2 (yellow) in the Purchasing Department open file, and forwards Part 3 (pink) and Part 4 (goldenrod) to the requisitioner.
 6. **Confirmation/Inspection** Upon receipt of goods, the receiving department shall conduct a visual inspection and cross check the item(s) against the specifications as negotiated and agreed upon through the purchasing process. Then complete the receiving report section on Parts 3 and 4 (pink and goldenrod) of the Purchase Order. The receiving department keeps Part 3 (pink) and a copy of the invoice, and submits Part 4 (goldenrod) and the original invoice to the Purchasing Department for payment. Should goods be received which were not ordered, or are damaged, or in any way do not meet the terms of the Purchase Order, DO NOT ACCEPT DELIVERY - contact the Purchasing Department.
Failure to complete and document inspection may result in delay of payment
 7. **Payment.** Purchasing Department records the receiving report and submits Part 4 of the Purchase Order with vendor invoice for payment to Audit.

COMPETITIVE BIDDING

REGULATIONS

1. Purchase contracts for materials, supplies and equipment involving an estimated expenditure in excess of \$10,000, and public works contracts in excess of \$20,000, shall be awarded only after public advertising soliciting formal bids pursuant to Section 103 of the General Municipal Law.
2. The Purchasing Director or designee shall be responsible for all required public advertising and competitive bidding, shall conduct all bid solicitations and openings, and shall provide recommendations for awarding contracts.
3. County officials and employees are prohibited from engaging in collusive activities with potential vendors. In cases where information is needed from an industry source to help prepare specifications, the requisitioner should consult with the Purchasing Director before contacting a potential vendor.
4. Written documentation (acceptable to the Purchasing Director) from the requisitioning department will be required whenever a purchase is awarded to other than the lowest responsible vendor. This documentation will include an explanation of cost savings, or other justification for disallowing the low bidder.

PROCEDURES

1. **Specifications.** If a purchase is deemed subject to competitive bidding, the requisitioner will assist the Purchasing Director in the preparation of specifications. It is the responsibility of the Purchasing Director to make alternative suggestions to the requisitioner if, in the judgment of the Purchasing Director, the specifications would restrict competition or otherwise preclude the most economical purchase of the required items. In case of disagreement as to the content of the specifications, the County Attorney, after reviewing all available data, will make the final determination. The finalized specifications will be initialed by the requisitioner and Purchasing Director and a copy maintained in the bid solicitation file to be maintained in the Purchasing Department.
2. **Advertisement and Bidders Lists.** The advertisement for bids shall be in accordance with the provisions of the General Municipal Law. The Purchasing Director shall publish the advertisement in the official newspapers designated by the County Legislature and any other print or electronic publications that will insure receipt of responsible and competitive bids. The requisitioner may recommend additional sources for publication. When the Purchasing Department solicits bids directly from a bidders list, a copy of said bidders list shall be placed in the bid solicitation file. Copies of the public notice, list of

all publications, and publication dates shall be maintained in the bid solicitation file. During the period a bid is let, if the Purchasing Director determines an amendment is warranted, all known bidders will be notified of the amendment.

3. **Bid Openings.** Bids shall be opened by the Purchasing Director, or designee, and will be publicly opened and read at a time and place published in the bid documents. Bids received after the published time will not be accepted and will be returned unopened. The Purchasing Director, or designee, and at least one other County employee, must be present for the bid opening. No bids are to be opened by a County representative alone. The public and interested parties may attend the bid opening. At the bid opening, the Purchasing Director or designee shall prepare a bid tabulation sheet indicating the date, time and location of the bid opening, signature and affiliation of attendees, a listing of the bidders, item being bid, and bid price. This tabulation shall be maintained in the bid solicitation file.
4. **Bid Evaluation.** Following the opening of bids, the Purchasing Director shall prepare a bid evaluation to determine the lowest responsible and responsive bid.
 - a. The County must have assurance that the successful bidder will be able to perform satisfactorily under the contract. "Responsibility" of bidders shall be determined based upon financial stability, production capability, ability to deliver on time, ability to provide service if required and past performance. A "responsive" bid is one which is in conformance with the published specifications and requirements, essentially void of contravening terms, gratuitous additions, and unilateral mistakes or obvious errors made in calculating or presenting figures, and reasonable in price.
 - b. A bid which is not responsive to the specifications, terms and conditions of the bid shall be rejected by the Purchasing Director. Should a bidder be deemed to lack responsibility, the bid shall be rejected by the Purchasing Director. In all instances where bids are rejected, the Purchasing Director shall document in writing the specific reasons to substantiate the determination. This documentation shall be maintained in the bid solicitation file.
 - c. Upon completion of the bid evaluation, the Purchasing Director shall submit to the requisitioner a written summary of the bid process and evaluation. This summary shall contain a ranked listing of all qualified bidders and the recommendation of the Purchasing Director for awarding the bid. Upon request of the requisitioner, the complete bid solicitation file will be made available.
 - d. In the event the requisitioner does not concur with the recommendations of the Purchasing Director, the requisitioner shall document in writing the nature of the determination and the specific reasons to refute the determination. This documentation shall be maintained in the bid solicitation file.
5. **Award.** The Purchasing Director shall award the bid on the basis of the summary and evaluation. In the event the requisitioner does not concur with the Purchasing Director, the award shall be determined by majority vote of the department's standing committee. The announcement of bid award shall be made in a public meeting of the department's standing committee.

6. **Notification.** The Purchasing Director shall notify all bidders of the determination and award. The preparation of the purchase order or contract will proceed consistent with purchasing procedures.
7. **Audit.** Annually, the County Auditor will conduct an audit of all competitive bid solicitations to insure compliance with this policy. A written report of findings with recommendations for corrective action, if warranted, shall be submitted to the County Administrator and Chairperson of the Legislature. Said audit and recommendations shall be a public document available for public access.
8. **Challenges.** In the event a bidder challenges the County's bid award, the Purchasing Director shall notify the County Attorney and County Administrator and provide all relevant documentation.
9. **Reservation of Rights.** The County of Oswego reserves the right to reject any and all bids or proposals.

PROFESSIONAL SERVICES

REGULATIONS

1. All professional service contracts and agreements between Oswego County and any other entity are subject to competitive purchasing procedures and must be approved and reviewed according to County policy, County Law, General Municipal Law 104b and New York State Law, unless exempted (See EXEMPTIONS).
2. County officials and employees are prohibited from engaging in collusive activities with potential vendors. In cases where information is needed from an industry source to help prepare specifications, the requisitioner should consult with the Purchasing Director before contacting a potential vendor.
3. Competitive procedures for professional services may include Requests for Quotations (RFQ), Requests for Proposals (RFP), and pre-qualification for engineering, architectural, and computer science services. An RFP is required for a service that can be reasonably expected to cost \$5,000 or more. Written quotations or RFPs are acceptable for lesser expenses.
4. Contracts for professional services must be made in the best interest of the County. RFQs, RFPs, and pre-qualification surveys may consider inclusive factors such as price, staffing and suitability for needs, reliability, skill, education and training, experience, demonstrated effectiveness, judgment and integrity, and must include negotiations on a fair and equal basis.
5. Under special circumstances, certain professional services are needed quickly, and following the standard solicitation and award process forces the County to miss deadlines or other opportunities. Examples include consulting services for grant preparation, or project management services for unexpected projects such as building repairs. The Purchasing Director may use a public competitive process to annually pre-qualify lists of engineering, architectural, and computer science services, which can reasonably be estimated to cost less than \$10,000 per project, or less than \$20,000 per public work project. The County may also utilize pre-qualification programs conducted by New York State or state professional associations. The pre-qualification lists are subject to the approval of the County Legislature.
6. A good faith effort shall be made to obtain the required number of quotations or proposals. Appropriate documentation shall be maintained if the requesting department or Purchasing Department is unable to obtain the required number of quotations or proposals. In no event shall the inability to obtain the quotations or proposals be a barrier to procurement of services.

PROCEDURES

1. **Determination.** Inquiries to determine whether a proposed service qualifies as professional shall be made to the Purchasing Director, who in turn may consult with the

Department Head, and/or the County Attorney, taking into consideration the following guidelines:

- a. Whether the services are subject to State licensing or testing requirements;
 - b. Whether substantial formal education or training is a necessary prerequisite to the performance of the services;
 - c. Whether the services require an enduring professional and/or confidential relationship between the County and a vendor of proven ability.
 - d. Whether the services have been previously determined to be professional services (See DEFINITIONS).
- 2. Solicitation.**
- a. The Purchasing Director shall use “Schedule B: Authorization Levels & Procedures: Professional Services” to determine the solicitation procedure.
 - b. RFQs, RFPs, and pre-qualification surveys, at minimum, should include:
 - i. Solicitation of a sufficient number of qualified firms. While this number will vary depending upon the situation, a minimum of three (3) firms should be contacted, if possible.
 - ii. The needs of the County and the desired format of the vendor’s response must be shown as clearly and as specifically as possible. Vagueness in the requests will hamper the award process.
 - c. In consultation with the department head, the Purchasing Director will develop a list of potential vendors, and may choose to advertise the RFQ or RFP.
 - d. During the period a bid is let, if the Purchasing Director determines an amendment is warranted, all known bidders will be notified of the amendment.
 - e. A public proposal opening is not required, and proposals may require additional negotiation with the vendor; however the due date and time for proposals must be the same for all vendors.
- 3. Evaluation.** Evaluation of proposals shall be conducted by a committee formed or designated for such purpose, which must include, at a minimum, the department head and Purchasing Director.
- 4. Award.** Awards for professional services shall follow the procedures outlined in the CONTRACTUAL OBLIGATIONS section of this policy.
- 5. Pre-qualification.** The Purchasing Director shall develop and conduct a public competitive process to pre-qualify lists of engineering, architectural, and computer science services, which can reasonably be estimated to cost less than \$10,000 per project or \$20,000 per public work project.
- a. The pre-qualification process shall be conducted annually by the Purchasing Director, in consultation with appropriate department heads.
 - b. The pre-qualification process shall not obligate the County to the expenditure of monies to any firm.
 - c. Firms contracted to write grants shall not obligate the County in the grant application to any further contracts with the firm.

- d. Pre-qualification programs conducted by New York State or New York State professional associations may be accepted.
- e. The pre-qualification lists are subject to the approval of the Finance and Personnel Committee and the County Legislature.

CONTRACTUAL OBLIGATIONS

REGULATIONS

1. All professional services and public works contractual agreements committing County government to any obligation of three thousand dollars (\$3,000) per year or more, or establishing revenue schedules, shall require the signature of the Chairman of the Legislature. Contractual agreements committing County government to any obligation of less than three thousand dollars (\$3,000) per year may be signed by the department head. In instances where deemed necessary and appropriate, agreements of a routine or recurring nature may be executed by a designee, authorized in writing by the Chairman of the Legislature. Anyone who executes an agreement in violation of this stated policy shall assume personal liability for any and all obligations, monetary or otherwise.
2. Professional services and public works contracts for \$5,000 or more per year must be approved by the County Legislature, on the recommendation of the department head, Purchasing Director, and the Department's Standing Committee.
3. Awards made not to the lowest proposer or bidder must be properly documented, including the rationale for selection of the Vendor.
4. Previously approved contracts which contain renewal provisions, may be renewed by the department and Purchasing Director. If the renewal contains amendments not covered by renewal provisions, which significantly affect financial impact or services, the authority to renew rests with the department's standing committee. In such cases the Legislature Chairperson has signatory authority on contract amendments.
5. Renewal notices will be sent from the Purchasing Department, with signed copies forwarded to the originating department and Audit Department.

PROCEDURES

1. **Contract Review.** Any type of professional service and public work must have a contract agreement. All contracts for \$3,000 or more shall be signed by the Chairman of the Legislature and must be approved as to content by the County Attorney, County Administrator and Purchasing Director. This includes any and all contracts, agreements, leases, maintenance agreements, and any other form which creates a legally binding agreement between the County and another entity. Unless pre-qualified, professional service contracts of \$5,000 or more require the approval of the County Legislature by majority vote.

- a. Contractual agreements shall be submitted to the Chairman's Office no later than ten (10) days prior to the required date of execution.
 - b. Contractual agreements shall be reviewed by the County Attorney, County Administrator, and Purchasing Director who shall provide written recommendations to the Chairman no later than five (5) days prior to the required date of execution. A sign-off sheet will accompany each contract and will be initialed by the Chairman of the Legislature, County Administrator and County Attorney. (See Contract Sign-off Sheet under FORMS)
2. **Award.** Upon authorization and execution and delivery of approved contracts, and any required documentation, the Purchasing Director will provide a notice to proceed to the selected firm.
 3. **Payment.** Payment terms are to be detailed in each contract. Prior to making any payments, the Audit Department requires a copy of the contract agreement, which has been approved by the County Attorney.
 4. **Documentation.** Upon execution by the Chairman, copies of the agreements shall be returned to the originating department for submission and retention. A record of all transactions shall be maintained by the Chairman's Office. Submission of agreements to the Audit Department for audit and payment shall be in accordance with established practice and procedure.

EXEMPTIONS

REGULATIONS

1. Procedures and regulations exempting certain types of purchases from authorization limits and controls may be established upon review of operational efficiencies and economies, but may not violate any law or statute or undermine the County Legislature's intent to maintain fair competition and accountability in County purchasing activities.
2. Purchases may be exempted from competitive bidding and professional service RFP or RFQ by the Purchasing Director when it is clearly determined that there is only one vendor capable of providing a particular material or service.
3. In accordance with Section 103(4) of the General Municipal Law, emergency purchases may be waived from competitive bidding in 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 require immediate action.
4. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$10,000 and public works contracts under \$20,000; emergency purchases; sole source purchases; goods purchased from

agencies for the blind or disabled; goods purchased from correctional institutions; purchases under State contracts or competitive contracts of contiguous counties; surplus and second-hand purchases from another governmental entity; legal services as may be necessary under County Law §501 to represent or protect the interests of the County, its officers and employees. The selection of a privately-contracted DSS Legal Counsel does not fall within this exemption.

PROCEDURES

1. **Sole Source** Justification for sole source purchases includes: purchase order is made to the original manufacturer or provider; there are no regional distributors, or parts/equipment are not interchangeable with similar parts of another manufacturer, or it is the only known item that will meet the specialized needs of the department or perform the intended function; purchases required by contractual obligations; or standardization approved by the County Legislature.
 - a. Whenever a Department Head believes that materials or services they require are available from a sole source vendor, he/she shall complete a purchase requisition and forward it to the Purchasing Director or designee for approval. Documentation must be attached to the requisition.
 - b. When the Purchasing Department determines a sole source vendor, documentation must be attached to the requisition.
 - c. Following approval, the purchase requisition will be processed in the normal procedure.
2. **Emergency Purchases** Pursuant to Section 103(4) of the General Municipal Law, and due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety, property or welfare of the residents. This section does not preclude alternate proposals if time permits.

During Normal Office Hours

1. The requisitioning department calls the Purchasing Director and gives the following information:
 - a. Reason for emergency purchase.
 - b. Department name and budget code.
 - c. Complete description and cost of services or materials to be purchased.
 - d. Name and address of recommended vendor.
2. The Purchasing Director or designee determines if the purchase is in fact an emergency.
3. If so, a vendor will be selected. Vendors with immediate delivery of materials or services are given preference in the selection.

4. The Audit Department will verify if budgetary appropriations are available. If not, the requisitioning department will obtain approval from the appropriate legislative committee.
5. A purchase order number is assigned and verbally given to the vendor. A confirming purchase order is completed and distributed.
6. The requisitioning department will complete a purchase requisition which will include the information in numbers 1 and 3 above. The requisition shall be forwarded to the Purchasing Department.

Outside Normal Office Hours

1. When an emergency need is identified outside of the normal office hours of Purchasing, and immediate action is required to correct the threat to the safety, health or welfare of the public, the using agency has the authority to procure the goods or services necessary to correct the problem without obtaining prior approval from Purchasing.
 2. The purchase must be reported to Purchasing on the next working day to obtain the required purchase order number.
 3. Process in the same manner as above.
3. **Other Exemptions** Control involves not only compliance with required purchasing procedures, but also affects the paperwork necessary. “Over-papering” can ruin the effectiveness of the system almost as quickly as non-compliance. The authorized dollar limits, requirements of quotations and competitive proposals, and utilization of purchase orders are waived for the following exceptions, established upon a determination of operational efficiencies and economies:
- a. Petty Cash reimbursements
 - b. Utility bills from regulated public utilities
 - c. Telephone services
 - d. Maintenance repairs and parts (up to \$5,000)
 - e. Maintenance and service contracts (up to \$5,000)
 - f. Interdepartmental charges
 - g. Medical expenses associated with public assistance
 - h. Legal notices
 - i. Postage
 - j. Memberships and dues
 - k. Books and periodicals
 - l. Mileage, travel, conference reimbursements
 - m. Food for prisoners
 - n. Extension of software license agreements (requires Purchase Order)

- o. Renewals of previously-approved contracts, which do not contain amendments with significant impacts to services or the budget.
- p. Agreements between the County Legislature and non-profit organizations, the federal government, or other state or local governments, including the transfer, sale or exchange of goods and/or services.
- q. Contracts in which the nature and scope requires contracting with multiple agencies or individuals to provide the same service, or which all vendors are needed to fulfill the demand.
- r. Set Rate Contracts - those contracts which the payment rate is set by local, state or federal agencies.
- s. Human service contracts in which client-choice is required by state or federal guidelines.
- t. Other expenses determined by the Purchasing Director on an individual basis.

VIOLATIONS

Department heads are responsible for their department's and employees' compliance with this policy. Deviation from this policy may delay purchasing or payment. Violations of this policy will be reported to the County Administrator for corrective action.

This policy shall go into effect _____ and will be reviewed periodically as circumstances warrant. If subsequent changes occur in New York State or Federal Law which are inconsistent with this Purchasing Policy, or if any part of this policy as adopted is in violation of state or federal law, state or federal law shall control the purchasing practices of the County of Oswego.

ATTACHMENTS

Contract Sign-Off Sheet, Schedule A, Schedule B, Purchase Requisition, Purchase Order

REFERENCES:

New York State General Municipal Law and County Law

ISSUED:

Philip R. Church
County Administrator