MT. VERNON INDUSTRIAL DEVELOPMENT AGENCY

PROCUREMENT POLICY

A. Introduction

1. Applicability - This Procurement Policy ("Policy") shall apply to the Mt. Vernon 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 Mt. Vernon, 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 - Documented 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 orb 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 or Westchester County Contracts -when the Agency is able to procure commodities, equipment, goods or services through New York State or Westchester County contracts, it is unnecessary to obtain quotations or bids;

   b. State Finance Law Section 175-b (from agencies for the blind or severely handicapped);

   c. Correction Law Section 186 (articles manufactured in correctional institutions);

   d. 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.

   e. 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.

   f. Utilities and Affiliate Transactions - The purchase of utilities and inter-affiliate transactions are excepted from alternative proposal/quotation requirements.

   g. Unavailability of three (3) vendors who are able or willing to provide a quote.

   h. Professional Service Contracts as defined in Section C below.

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, or in the case of a contract for professional services, which shall be subject to the requirements of Section C. 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 are not subject to the requirements of Section B. Professional Service Contracts 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, architects 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 toComply.

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.

RESOLUTION 2017- A9

RESOLUTION OF THE CITY OF MOUNT VERNON INDUSTRIAL DEVELOPMENT AGENCY ADOPTING A COMPREHENSIVE MVIDA PROCUREMENT POLICY

WHEREAS, the Agency, reconstituted in 2016, is seeking to institute a comprehensive and transparent procurement policy, the scope and purpose of which are in accordance with the relevant articles and sections of General Municipal Law; and

WHEREAS, the Agency is seeking to (a) promote and facilitate the procurement of goods and services of maximum quality at the lowest possible cost under the circumstances; and (b) guard against favoritism, improvidence, extravagance, fraud, and corruption; and

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD MEMBERS OF THE CITY OF MOUNT VERNON INDUSTRIAL DEVELOPMENT AGENCY ADOPT A NEW PROCUREMENT POLICY (draft enclosed)THAT SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THIS RESOLUTION.

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APPROVED AS TO FORM

March 31, 2017
MEETING DATE

AYES: 3
NAYS:
ABSTENTIONS:

TOTAL MEMBERS: **5**
MEMBERS PRESENT: 3