

TOWN OF AMHERST DEVELOPMENT CORPORATION

PROCUREMENT POLICY

**A. Scope and Purpose.**

Pursuant to Section 2824 of the Public Authorities Law, the Town of Amherst Development Corporation ("ADC" or the "Corporation") is required to establish and adopt a procurement policy. This Procurement Policy ("Policy") shall also be applicable to all procurements undertaken by any wholly-owned subsidiary of ADC as may hereafter be established by ADC.

**B. Procurement Procedures.**

1. Procurement Officer. The Executive Director of the ADC shall serve as the procurement officer for purposes of this Procurement Policy.
2. Solicitation Procedures for the Purchase of Goods and Services.
  - a. Up to \$10,000 per instance — Documented verbal quotes or written/fax/email quotes from at least two vendors.
  - b. Greater than \$10,000 to \$25,000 per instance — Written/fax/email quotes from at least three vendors.
  - c. Greater than \$25,000— Formal written Request for Proposals (RFP), or Request for Qualifications (RFQ) submitted to at least three vendors and posted at the ADC website.
3. Approval Thresholds. The following approval thresholds shall apply to the procurement of all goods and services, except those procurements made under Section 4(d):
  - a. The ADC Executive Director is authorized to procure goods and services in an amount up to \$10,000. Prior to procuring such goods or services, the Executive Director shall confer with the Treasurer to confirm that the proposed expenditure is within budgetary limits.
  - b. The procurement of goods and services in an amount greater than \$10,000 shall require the approval of the ADC Board of Directors. By resolution, the Board may delegate to the ADC Executive Director or a committee of the Board the authority to procure goods or services in an amount greater than \$10,000 without Board approval.

4. Exceptions. Alternative proposals or quotations shall not be required for procurements made through or with respect to:
- a. New York State or Erie County contracts.
  - 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 - An emergency exists if the delay caused by soliciting quotes would endanger the health, welfare or property of the municipality or of the citizens. An emergency situation shall be documented in the procurement file and shall include a description of the facts giving rise to the emergency and basis for selecting the particular vendor.
  - e. Resolution - The Corporation may adopt a resolution waiving the solicitation requirements whenever it is determined to be impracticable and in the best interests of the Corporation.
  - f. Sole Source - Defined as a situation when there is only one possible source item which to procure goods and/or services and it is shown that the item needed has unique benefits, the cost is reasonable for the product offered and there is no competition available. In this situation, a request for a resolution, as described above, is required.
  - g. Single Source — Defined as a situation where, even though two or more vendors are available to supply the required goods or services, the Corporation determines that: (i) one particular vendor has unique knowledge or expertise with respect to the required goods, services or project, rendering the use of competitive procedures impractical; and (ii) considering the benefits, the cost to the Corporation is reasonable. Approval of the Executive Director after consultation with the Treasurer of the Corporation is necessary, which shall be documented in the procurement file along with an explanation of the basis for concluding that a single source procurement was in the best interests of the Corporation and the manner in which the Corporation identified the selected vendor.
  - h. True Lease - Prices will be obtained through quotations whenever possible. The award shall be made on the basis of goods and/or services to be provided, ability to meet the specifications desired and price.
  - i. Insurance - All insurance policies shall be procured in accordance with the following procedures: (1) Premium less than \$10,000 - documented telephone quotations from at least three agents (if available); (2) Premium over \$10,000 - written quotations/fax or proposals from at least three agents (if available).

- j. Professional Services - This category includes services which require special education and/or training, license to practice or are creative in nature. Examples of professional services are: lawyers, doctors, accountants, engineers, artists, etc.
4. Basis for the Award of Contracts. Contracts will be awarded to the lowest responsible vendor who meets the specifications.
  5. Circumstances Justifying an Award to Other than the Lowest Cost Quoted:
    - a. Delivery requirements;
    - b. Quality requirements;
    - c. Quality;
    - d. Past vendor performance;
    - e. The unavailability of three or more vendors who are able to quote on procurement;
    - f. It may be in the best interests of the Corporation to consider only one vendor who has previous expertise with respect to a particular procurement.
  6. Documentation.
    - a. For each purchase made, the Executive Director or his or her authorized designee shall set forth in writing the category of procurement that is being made and what method of procurement is specified.
    - b. Whenever an award is made to other than the lowest quote, the reasons for doing so shall be set forth in writing and maintained in the procurement file.
    - c. 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.
  7. Contents of Requests for Proposals (RFP). For all procurements under this Policy that require an RFP, the following information shall be included in the solicitation:
    - a. Goods being sought or the scope of services desired;
    - b. The projected term of the contract;
    - c. Criteria to be used in evaluating proposals and the requirements that must be fulfilled;

- d. Schedule of relevant dates;
  - e. Insurance requirements;
  - f. M/WBE goals; and
  - g. Designation of the ADC representative to whom communications regarding the RFP should be directed.
8. Contents of the Requests for Qualifications (RFQ). For all procurements under this Policy that require an RFQ, the following information shall be included in the solicitation:
- a. The scope of services desired;
  - b. Criteria to be used in evaluating qualifications and the requirements that must be fulfilled;
  - c. Insurance requirements, if applicable;
  - d. M/WBE goals; and
  - e. Designation of the ADC representative to whom communications regarding the RFQ should be directed.
9. Minority and Women Business Enterprises. The Corporation shall comply with all applicable legal requirements relating to the hiring of such businesses.
10. Input from members of the Corporation. Comments concerning the procurement policy shall be solicited from the members of the Corporation from time to time.
11. Annual Review. The Corporation shall annually review its policies and procedures.
12. Procurement Lobbying Law. The Corporation shall follow the applicable provisions of Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005 (the "Procurement Lobbying Law"), for any contract or other agreement for an article of procurement involving an estimated annualized expenditure in excess of \$15,000.

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