



ADMINISTRATIVE MEMORANDUM POLICIES AND PROCEDURES

County of Jefferson Board of Legislators Office of the County Administrator

Section:	PURCHASING	Issued:	12/1991
Subsection:	4.01 Policy and Control	Revised:	6/2011, 12/2018, 8/6/2024

1. The County's Purchasing Agent shall be responsible for the development and administration of a centralized and standardized purchasing system. The Purchasing function is delegated to the Purchasing Agent and the two Buyers in the Purchasing Department.
2. The purchasing policies and procedures shall be in accordance with all applicable state and local laws and regulations.
3. The Purchasing Department shall procure materials, equipment, supplies, and services as required, at the best possible prices, from responsible suppliers and providers and maintain appropriate supporting documentation and records.
4. The purchase of materials, equipment and supplies involving an estimated annual expenditure of \$20,000 or more and public works contracts involving an estimated annual expenditure of \$35,000 or more shall be awarded only after public advertising, and the solicitation of formal bids in compliance with General Municipal Law, Section 103.
5. The Purchasing Department shall be responsible for issuing Requests for Proposals once a determination is made that an RFP rather than a formal competitive bid is appropriate. The RFP shall include specific language that identifies the method of award.
6. Upon request, the Purchasing Department will work with County Departments to develop Professional Service Contracts. Such RFP's will be developed by the individual Department and Purchasing and issued through the Purchasing Department. All other Professional Service Contracts will be documented by the individual Department.
7. The Purchasing Department shall be responsible for all required public advertising and competitive bidding; shall be responsible for all bid solicitations and openings; shall secure and document the recommendations from the appropriate official for awarding bid contracts and shall award contracts within the annual appropriations authorized by the Board of Legislators.

As required by General Municipal Law section 103-d, if competitive bidding is required by law, each bid must contain the following statement subscribed by the bidder and affirmed by such bidder as true under penalty of perjury: **NON-COLLUSION CERTIFICATION** By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, under

penalty or perjury, that to the best of knowledge and belief:

- a. The prices in this bid have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- b. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and
- c. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit, a bid for the purpose of restricting competition.
- d. Jefferson County will accept sealed bids by utilizing the following methods:
 1. In person
 2. Mail
 3. Electronically (excludes any purchase contracts necessary for the completion of a public works contract)

All bids must be delivered to the Purchasing office, as outlined on the County website, prior to the date and time specified in the bid solicitation. No late bids will be accepted. The electronic bidding process utilized by the County is compliant with General Municipal Law 103-d and with Article III of the State Technology Law, and article eight of the Labor Law, to ensure the integrity and privacy of the sealed bidding process.

8. Equal Opportunity shall be provided to ensure full and open competition for all responsible suppliers to do business with the County. The Purchasing Department may solicit bids or quotations from any responsible vendor and may develop a list(s) of suppliers that may be used for the procurement of specific goods and services. Any responsible supplier may be included on the list upon request.
9. Vendors who are included on the NYS Department of Labor List of Debarred Contractors are not eligible to provide quotes or services to the County. The County does not provide a preference to any bidder who, after meeting all of the requirements of a bid, would not otherwise be entitled to a contract award as the lowest responsible bidder.
10. When formal bidding procedures are not required by law, quotations shall be solicited and appropriately documented.
11. Purchases may be made through available state contracts of the NYS Office of General Services, GSA, or in accordance with Sub. 3 of GML 103 which allows the purchases of materials, equipment or supplies, or the contract for services, other than services subject to Article nine of the Labor Law, through any municipality within New York State, whenever such purchases are in the best interest of the County.

- a. Also, in lieu of obtaining quotations or issuing formal bids for the purchase of commodities or services not subject to Article 9 of the New York State Labor Law, the Purchasing Department is authorized to make such purchases using established national and regional cooperative contracts.
- b. As authorized by New York General Municipal Law 103, and in accordance with Jefferson County Local Law, purchase contracts may be awarded on the basis of best value, as defined in section 163 of the State Finance Law and as authorized in section 103 of the General Municipal Law, to a responsive and responsible bidder. When the bid specifications state that the bid will be awarded on the basis of “best value, the specifications will also include the criteria that will be used to award the bid. In assessing best value, when awarding the purchase contract, non-price factors can be considered. Non-price factors may include, but are not limited to, environmental benefits, energy efficiency, reliability of a product, efficiency of operation, difficulty/ease of maintenance, useful lifespan, ability to meet needs regarding timeliness of performance, and experience of a service provider with similar contracts.

The basis for “Best Value” shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerors that are small businesses, certified minority-or women-owned business enterprises as defined in subdivisions one, seven, fifteen and twenty of section three hundred ten of the executive law or service-disabled veteran-owned business enterprises as defined in subdivision one of section forty of the veterans’ services law to be used in evaluation of offers for awarding of contracts and services

- c. In Accordance with GML 103(6), surplus and second hand supplies, materials or equipment may be purchased without competitive bidding from the Federal Government, State of New York, or from any other political subdivision, district, or public benefit corporation.
- d. Blanket purchase orders are used for items which are frequently purchased from the same vendor on an “as needed” basis during a certain calendar period. A blanket purchase order eliminates the processing of many individual purchase orders and allows the departments flexibility in ordering and receiving commodities. The department(s) submitting blanket purchase requisitions for a particular commodity, on existing awarded county bid contracts, will not be allowed to purchase any other items on that blanket PO on the blanket purchase order issued. In such instances, the requesting department will be required to submit a separate purchase requisition.

Although a Department may request a purchase be made using a particular contract source, the decision as to the appropriate contract to be used will be that of the Purchasing Department who will appropriately document the reason for the determination.

12. Jefferson County will allow all other municipalities within New York State to “piggyback” on the contracts of Jefferson County in accordance with GML 103.
13. Contractual agreements for the leasing and/or lease/purchase of equipment shall be awarded by the Purchasing Department, in conformance with the bidding requirements of GML 103 or solicitation of quotations, whichever is applicable, within the appropriations authorized by the Board of Legislators.
14. Working with the Director of Insurance, the County shall issue a competitive solicitation for the purchase of insurance coverage as required.
15. Supplies used by county departments shall be uniform whenever consistent with operational needs and in the interest of efficiency and economy.
16. Control involves not only compliance with required purchasing policy, but also affects the paperwork necessary. There are certain expenditures for which the processing of a purchase order may be unnecessary. The following expenses may be approved without purchase orders:

a) Employee expenses	f) Medical examinations and veterinarian fees
b) Reimbursement of petty cash funds	g) Interdepartmental charges
c) Utility bills	h) Intergovernmental charges
d) Legal notices	
e) Postage	
17. No official or employee shall be interested financially in any contract entered into by the County. All officials and employees shall comply with the provisions of the County’s code of ethics, and Procurement Conflict of Interest policy.
18. The Purchasing Department shall make available to other municipalities within the County the opportunity to participate, whenever practicable, in the County’s contracts or competitive bids.
19. Pursuant to Section 103 (4) of the General Municipal Law, Emergency Purchases are granted as an exception to competitive bidding. The following criteria will be considered for emergency purchases: the situation must arise out of an accident or unforeseen occurrence or condition, the circumstances must affect public buildings, private property or the life, health, safety or property of the County’s residents; and the situation must require immediate action which cannot await competitive bidding.

Generally, to meet this set of criteria, there must be a present, immediate and existing condition which is creating an imminent threat or danger to public or private property or the life, health, safety, or property of the County residents, which requires immediate action to be taken. Further delay to comply with competitive bidding requirements is so detrimental to the public interest that it overcomes the strong public policy in favor of bidding.

For consideration, 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.

The Purchasing Director or designee determines if the purchase is in fact an emergency. If so, a vendor will be selected. Vendors with immediate delivery of materials or services are given preference in the selection.

20. In cases where a reasonably exhaustive and documented search discloses that a good or service is available only from a single vendor or in cases where there is common knowledge of the existence of a monopolistic situation for a particular good or service being sought, that good or service may be purchased from a single identified vendor or supplier without competitive bidding or solicitation of quotations. The Board of Legislators may also approve the standardization of a particular product based upon the recommendation of the Purchasing Department.

As provided by section 103 of GML, sole source purchase are permitted when there is only one valid source to procure goods and services. 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, till 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.
21. All purchases made using state or federal funding must be completed and monitored according to the Uniform Administrative Requirement Cost Principles, and Audit Requirements for Federal Award (2CFR 200). Reference Appendix A.
 22. Instances of failure to comply with this policy as identified by the County Auditor shall be reported to the County Administrator. The County Administrator shall keep the Board Chairman and the jurisdictional committee apprised of non-compliance and initiate corrective action. Any questions relative to the intent or clarification of the policy contained herein shall be subject to a determination of the Board of Legislators if determined to be necessary or appropriate.

GUIDELINES:

Purchasing is a term used to describe the activities of obtaining materials, equipment and supplies of the right quality, from a qualified source at a competitive price.

The responsibility and authority for purchasing and all of the accompanying functions have been assigned to the Purchasing Department, under the direction of the Purchasing Agent.

The following definitions apply to the purchasing system and policy:

1. "Best Value" shall mean the basis for awarding contracts for services to the offeror, which optimizes quality, cost and efficiency, among responsive and responsible offerors.
2. A "Blanket Purchase Order" shall mean a purchase order which is used to one vendor for a specific period for items frequently purchased
3. "Competitive Bid" shall mean a formal written statement by a vendor setting forth their terms under which the vendor will furnish supplies or services. Competitive bid requirements and limits are established by state statute.
4. "Collusion" shall mean 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 prohibited by law.
5. An "Emergency Purchase" shall mean an exception to the competitive bidding process due to unforeseen circumstances that poses an immediate threat to life, health, safety, or property to the County residents
6. "Electronic Bidding" shall mean sealed bids delivered to the Purchasing Office prior to the bid opening date, following the delivery method described by the County (sealed bids sent to the Purchasing Office via mail or in person will continue to be accepted.)
7. "Purchase Order" shall mean a formal notice to a vendor to furnish the supplies or services described in detail thereon.
8. "Quotation" shall mean an informal notice (either oral or written) by a vendor setting forth the terms under which he will furnish supplies or services.
9. "Request" shall mean a request to the Purchasing Agent for one or more items or services necessary to carry on or improve a particular function.
10. "Requestor" shall mean the Department head, or his authorized subordinate, initiating a request for goods or services.
11. "Sole Source" shall mean a procurement in which only one supplier can supply the required commodities or services
12. "Specifications" shall mean a written description of needed supplies, equipment or services setting forth in a clear and concise manner the characteristics of the items and/or services to be purchased and the circumstances under which the purchase will be made.
13. "Vendor" shall mean a supplier of goods or services.

REFERENCES:

1. County Law: Sections 362 (3), 408-a, 625
2. General Municipal Law: Sections 103, 103-d, 103 (4), 104, 104b, 105, 106
3. Jefferson County Board of Supervisors Resolution No. 353 of 1988 and No. 338 of 1991
4. Jefferson County Board of Legislators Resolution No. 105 of 2011, 264 of 2018 and 193 of 2024

5. New York State Technology Law: Section III
6. New York State Labor Law: Section 8

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Dylan M. Soper
Interim County Administrator

APPENDIX A

FEDERAL PURCHASING REGULATIONS

Any purchases to be made using State or Federal funding must be completed and monitored according to the Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Award (2 C.F.R. 200).

A link to the CFR can be found on the Jefferson County website.

All Federal Grant usage within Jefferson County is subject to these policies and procedures due to the fact that Jefferson County exceeds the annual threshold for this requirement.

For the purchasing of goods and services using Federal funding, all Jefferson County Purchasing Policies and Procedures are to be followed.

In addition, the following procedures must be followed:

1. Vendors must be vetted using the U.S. Federal Government's System for Award Management (SAM) before the purchase and/or contract is completed. Vendors must be run through this system before each purchase to ensure that they are not suspended or debarred from federally funded transactions. If a department is going to make a purchase using Federal funding, they must notify either the Purchasing Department or the County Treasurer and request a vendor check before the purchase is made. All vendors will be required to register on the SAM website.
2. Bonding Requirements for work performed are as follows:
 - a. Bid Bond 5% of total bid
 - b. Performance Bond 100% of total bid
 - c. Payment Bond 100% of total bid

It is the responsibility of the requesting Department Head to ensure that all Federal Purchasing Regulations are followed for the purchase and the monitoring of contractor performance as a result of that purchase.