

**COUNTY OF GENESEE**  
**PURCHASING POLICY & PROCEDURE**  
**MANUAL**



**2022 EDITION**

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**Department:** Central Services  
**Subject:** Policies and Procedures

**Effective Date:** May 5, 2000  
**Last Revision Date:** April 13, 2022

## **COUNTY OF GENESEE PURCHASING POLICY AND PROCEDURES**

The Purchasing Department is a service department for all County of Genesee Departments.

The Purchasing Director administers and oversees all purchasing functions of the County and is responsible for the coordination of purchases made within County Departments. This policy is the basis for the County's purchasing policies and procedures.

This Purchasing Policy and Procedure manual is intended for use as a guide to County purchasing methods. When used with good judgment and common sense, this manual will enable the County to obtain the needed goods and services efficiently and economically. County employees involved in the purchasing process should be familiar with, and shall adhere to, the policies and procedures set forth in this manual.

The cooperation of all employees is essential if the County is to obtain the maximum value for each tax dollar spent. While this manual does not answer all questions related to purchasing, it does provide the foundation for a sound purchasing system.

The material in the manual is subject to revision to meet the often rapidly changing developments encountered in the field of purchasing. When changes become necessary, the information concerning these changes will be sent to all County departments. A copy of the current manual can be found on the County's Intranet under Purchasing, and Central Services.

The Genesee County Legislature shall annually review these policies and procedures.

This manual is effective immediately upon issuance, and supersedes all purchasing instructions or directives.

**Chester J. Kaleta**  
**Director, Purchasing**

**Resolution No. #153**  
**Adopted April 13, 2022**

## PURCHASING POLICY –QUICK REFERENCE SHEET

*PLEASE NOTE: THIS IS A SUMMARY AND IS NOT A COMPLETE LIST OF PURCHASING POLICIES*

### COMMODITIES AND SERVICES:

<b>Under \$1000:</b>	You do not need quotes or a PO. You can purchase items under \$1000 with a P-Card.
<b>Over \$1000:</b>	You need a PO
<b>\$0-\$1,000:</b>	No quotes needed
<b>\$1,000-\$4,999:</b>	Three (3) Verbal Quotes (to be annotated on Verbal Quote form)
<b>\$5,000-\$19,999:</b>	Three (3) Formal Written Quotes
<b>\$20,000 and up:</b>	Competitive Bidding Procedure

**NOTE:** These thresholds are County-Wide over a 12 month moving window

### TYPES OF REQUISITIONS:

**Request for Quote (RFQ):** Service or item is under \$20,000, but you want to make sure that all bidders have the same information for written quotes.

**Request for Proposal (RFP):** Used to requisition services that requires multiple factors to be considered in the award. This is a formal negotiation... price is not the only deciding factor. The deciding factors must be identified in the RFP and a committee ranks each proposal based on these factors.

**Request for Bid (RFB):** Used to requisition item(s) to be bid on. The award is based solely on price (or best value).

### PUBLIC WORKS CONTRACTS:

<b>Under \$5,000:</b>	Can be awarded at the discretion of the Purchasing Director and a representative from the County Manager's Office
<b>\$5,000-\$34,999.99:</b>	Three (3) Formal Written Quotes
<b>\$35,000 and up:</b>	Competitive Sealed Bid

### EXCEPTIONS:

- Certain professional services
- Utility bills
- Medical examinations
- Postage meter and stamp costs
- Reimbursement of petty cash funds
- Interdepartmental charges
- Legal notices

## **Identification of Department**

The Central Services Department is comprised of the following services:

1. Printing/Mail
2. Courier
3. Purchasing
4. Custodial Services

Throughout these policies the function of purchasing or procurement will be indicated as being handled by the Purchasing Department.

## **Purchasing Responsibility**

The Genesee County Purchasing Department is hereby authorized to make all purchases of necessary goods and services by any means legal within the State of New York and within all applicable rules and regulations and in the best interest of the taxpayers of Genesee County.

In keeping with General Municipal Law 104-b (2), paragraph, L 2007, ch 402, which requires the identification of the individual or individuals responsible for purchasing and their respective titles, the following individual(s), name(s) and title(s), are responsible for purchasing for the County of Genesee:

Chester J. Kaleta  
Director, Purchasing

David Rumsey  
Commissioner, Department of Social Services  
(Award contracts for goods and services to be used by clients of D.S.S.)

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**Department:** Central Services  
**Subject:** Ethics of Purchasing

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 27, 2019

## ETHICS OF PURCHASING

In order to eliminate any suspicion of wrongdoing or unfairness of conflicts of interest prior to any purchase of materials, goods or supplies, the Purchasing Director shall:

1. Consider the interest of the County in the betterment of its government.
2. Endeavor to obtain the greatest value for every dollar expended.
3. Be receptive to advice and suggestions from employees, insofar as such advice and suggestions are not in conflict with legal or moral restrictions in purchasing procedures.
4. Strive for knowledge of municipal equipment and supplies in order to recommend items that may either reduce cost or increase municipal efficiency.
5. Insist on and expect honesty in sales representation whether offered verbally or in writing, through advertising or by providing samples of a product.
6. Give all responsible bidders equal consideration and the assurance of unbiased judgment in determining whether their products meet specifications.
7. Discourage the offer of, and decline any and all gifts which in any way might influence the purchase of municipal equipment and supplies.
8. Accord a prompt and courteous reception, insofar as conditions permit, to all who call on legitimate business missions and cooperate with governmental and trade associations in the promotion and development of sound business methods in purchasing the county equipment and supplies.
9. Govern by the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
10. All purchases shall be conducted with transparency. Records shall be maintained and available to the public via FOIL Requests. The purchases are made with tax payer money, so the "front page rule" shall be followed at all times. If you would not want it to be published on the front page of the newspaper, then you should not do it.

**Department:** Central Services  
**Subject:** Glossary

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 27, 2019

## GLOSSARY

**Asset Acquisition-** Asset Acquisition purchases are any project/equipment purchase other than “traditional” (buildings, road, bridges, etc.) over \$3,000. Typical Asset Acquisition Projects/Purchases include, but are not limited to, purchase of vehicles, equipment, carpet, building repair, studies, etc. These are purchases that are designated by the County Manager’s office at the beginning of the calendar year.

**Best value** - An assessment of the return which can be achieved based on the total life cycle cost of the item; can include an assessment of the functionality of the item; can use cost/benefit analysis to define the best combinations of quality, services, time, and cost considerations over the useful life of the acquired item.

**Bid:** In *competitive sealed bidding*, the document submitted by the offeror in response to the RFB to be used as the basis for negotiations for entering into a contract.

**Bid opening** - The formal process in which sealed bids are opened, usually in the presence of one or more witnesses, at the time and place specified in the invitation for bids. The amount of each bid is recorded and bids are made available for public inspection.

**Blanket Purchase Order** - A purchase order to one vendor for a set amount of money. Blanket purchase orders permit a department to submit separate orders for items which are purchased frequently from the same vendor and eliminates the necessity for the issuance of separate purchase orders.

**Capital Project-** A large project to build or improve a capital asset such as buildings, roads, bridges, etc. Usually extends over more than one year.

**Claim** - A vendor’s request for payment for materials furnished or services rendered.

**Competition** - The effort of two or more vendors to secure the business of a purchaser by the offer of the most favorable terms as to price, quality, promptness of delivery, and/or service.

**Competitive Negotiation:** A method for acquiring goods, services, and construction for public use in which *discussions* or *negotiations* may be conducted with responsible offerors who submit proposals in the *competitive range*.

**Competitive sealed bidding:** Preferred method for acquiring goods, services, and construction for public use in which award is made to the lowest *responsive* and *responsible* bidder, based solely on the response to the criteria set forth in the specification; does not include *discussion* or *negotiations* with bidders. Also called *formal bid*, *formal advertised bid*.

**Cooperative Purchasing** - 1. Procurement conducted on behalf of two or more public procurement units. 2. The combining of requirements of two or more public procurement units in order to obtain the benefits of volume purchases and/or reduction in administrative expenses. 3. A variety of arrangements whereby two or more public procurement units purchase from the same supplier using a single Invitation for Bid or Request for Proposal.

**Evaluation of bids** - The examination of bids after opening to determine the bidder's responsibility, responsiveness to requirements, and other aspects of the bid to determine the successful bidder.

**Formal bid:** A bid which must be submitted in a sealed envelope and is in conformance with a prescribed format to be opened in public at a specified time. (See competitive sealed bidding).

**Informal Quote:** Normally done by telephone or by direct face to face contact with marketing personnel. Informal quotes may be in writing, telephone, faxed, or other means and does not require a sealed bid, public opening, or public reading of bids. (See request for quotation)

**Invitation to Bid-** Also referred to as a Request for Bid (RFB) or Request for Quote (RFQ), depending on the anticipated dollar amount of the purchase.

**Invoice** - A formal billing submitted by a vendor showing the amount due and terms of payment for supplies delivered or services rendered. A "Statement" is **not** an invoice.

**Legislature** - The governing body of the County.

**Life cycle cost** - The total cost of ownership; the total cost of acquiring, operating, maintaining, supporting, and (if applicable) disposing of an item. Also called "ultimate cost."

**New York State Contract** - A contract by the State Division of Standards and Purchase awarded after formal bidding by New York State and made available to political subdivisions by State Law.

**Piggybacking-** Using a bid that was issued and awarded by another municipality. The bid must have specific language in it allowing the usage by other municipalities. The vendor must agree to the creation of a new contract using the existing bid. Piggybacking allows for purchases to be made without following the bidding process since another municipality already completed the competitive bidding process.

**Prevailing Wage-** Prevailing wages is a term used in a legislative effort to provide organized labor a fair chance to bid for government contracts. A prevailing wage is a rate of pay determined by the U.S. Department of Labor based upon the particular geographic area for a given class of labor and type of project. (*Definition retrieved from [www.uslegal.com](http://www.uslegal.com)*)

**Professional Services** - Services rendered by members of a recognized profession or possessing a special skill. Such services are generally acquired to obtain information, advise, or direct assistance. Services provided to the County which shall be exempt from the competitive bidding procedure as outlined by policy.

**Proposal:** In *competitive negotiations*, the document submitted by the offeror in response to the RFP to be used as the basis for negotiations for entering into a contract

**Public Emergency** - A situation 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 of the County require immediate attention which cannot await issuance of a purchase order or competitive bidding.

**Purchase Order** - A formal notice to a vendor to furnish the supplies or services described in detail thereon. A Purchase Order is a formal contract with a vendor.

**Purchasing or Procurement** - The act of obtaining supplies, equipment or services necessary to carry out a particular function of the County.

**Purchasing Director** - The person designated in accordance with law to contract for necessary materials, supplies and equipment and for services.

**Request for Bid (RFB):** All documents, whether attached or incorporated by reference, utilized for soliciting competitive sealed bids.

**Request for Proposal (RFP):** All documents, whether attached or incorporated by reference, utilized for soliciting competitive proposals. Request for proposals are traditionally used as a means of obtaining all types of professional services. A request for proposal can consider price *plus* other factors such as experience, staffing, and professional reputation. (See Competitive Negotiation)

**Request for Quotation (RFQ):** An informal solicitation or request for information without formal advertising or receipt of sealed bids. Used where price competition is desired but situation does not require formal sealed bids, such as small or emergency purchases.

**Requisition** - A request, either written or sent electronically, to the Purchasing Director for one or more items or services necessary to carry on or improve a particular function of the County.

**Requisitioner** - The official or department head, or authorized subordinate, initiating a request for goods or services.

**Specifications** - A written description of needed supplies, equipment or services setting forth in a clear, concise manner the characteristics of the items and/or services to be purchased and the circumstances under which the purchase shall be made.

**Tabulation of bids** - The recording of bids and bidding data that lists items offered, prices, delivery schedules, submitted in response to a solicitation for purposes of comparison, analysis, and record keeping.

**Vendor** - A supplier of goods or services to the County.

**Department:** Central Services  
**Subject:** Policy and Control

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 28, 2018

## **PURCHASING POLICY AND CONTROL**

The purchasing procedures employed shall comply with all applicable laws and regulations of the Federal Government (when applicable), State, and County. When the laws or regulations of the governing bodies are not consistent with each other, the most conservative law or policy will be followed.

The Purchasing Director shall be responsible for the following:

1. Developing and administering the purchasing program.
2. Procuring supplies and equipment as needed, at the best possible pricing and maintain adequate records to show that this was done.
3. Making the initial determination of whether competitive bidding is required and determining whether it is expected that over the course of the fiscal year the political subdivision will spend in excess of the competitive bidding thresholds for the same or similar items or services.
4. Ensuring legal issues regarding the applicability of competitive bidding requirements to be presented, as appropriate, are reviewed by legal counsel.
5. In the case of an emergency, analyzing that the statutory criteria are met. (See General Municipal Law, 103(4)).
6. In the case of a lease, analyzing that a document is a true lease and not an installment purchase contract.
7. In the case of a sole source, verifying that the item is required in the public interest, has no reasonable equivalent and is in fact available only from one source.
8. In the case of a combination of professional services and a purchase, for analyzing whether the professional service is the predominate part of the transaction and is inextricably integrated with the purchase.

**Department:** Central Services  
**Subject:** Policy and Control Cont...

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 28, 2018

## **PURCHASING POLICY AND CONTROL CONT...**

Purchasing contracts for materials, equipment and supplies, involving an estimated annual expenditure of over \$20,000, and public works contracts involving over \$35,000, shall be awarded only after public advertising soliciting formal bids. (Section 103 of the General Municipal Law).

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 bidders for the various types of materials, equipment and supplies. Such lists shall be used in the development of a mailing list for distribution of invitations to bid and specifications. All bid requests are posted on the BidNet Direct System and notifications are sent out to applicable vendor lists that are maintained on that system as well.

All contracts which require public advertising and competitive bidding shall be awarded as provided by law and the rules and regulations of the Legislature. All said contracts shall be on file in the Purchasing Department in compliance with the NYS Records Retention and Disposition Schedule CO-2.

Where formal bidding procedures and/or Requests for Proposal are not required by law and/or resolution, quotations will be solicited pursuant to NYS General Municipal Law, Section 104b, effective January 1, 1992.

Purchases should be made under County contracts pursuant to Section 408-a of the County law, whenever such purchases are in the best interest of the County. State Contracts awarded by the State of New York Office of General Service, Division of Purchasing, may also be used.

Supplies used by various officers and departments should be uniform whenever consistent with operational goals and in the interest of efficiency or economy. The department head must justify the need for a special type of item. The Purchasing Director must evaluate the request for special supplies or services which only one vendor may supply.

No official or employee shall be interested financially in any contract entered into by the local government as defined in Article 18 of the General Municipal Law. This also precludes acceptance of gratuities, financial or otherwise, by the above persons, from any supplier of materials or services to the County.

*The County of Genesee will not be deemed responsible for commitments made circumventing these procedures.*

**Department:** Central Services  
**Subject:** Credit Cards/  
Procurement Cards

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 27, 2019

## **CREDIT CARD POLICY**

Store credit cards shall not be issued to individuals or departments. This includes store credit cards and national bank credit cards. Should the vendor refuse to take a Purchase Order or extend credit without the use of a credit card, arrangements may be available through the Purchasing Department and the Treasurer's Office for the issuing of a check in the exact amount of the Purchase. Call Purchasing for details.

The Treasurer, as fiscal officer of the County, is the only position authorized to enter into a credit card agreement.

## **PROCUREMENT CARD POLICY**

Procurement Cards are issued by name to individual employees and cannot be transferred to, assigned to, or used by anyone other than the designated employee. As the liability for the Procurement Card resides with the County and not the cardholder, use for personal purchases is strictly prohibited.

In addition, the Procurement Card cannot be used for certain restricted items as indicated in the "Unauthorized Card Use" section of the P-Card Policy/Procedures manual. Fraudulent and/or misuse of the card is grounds for cancellation of Procurement Card privileges and may lead to disciplinary action, up to and to include termination of employment.

Any IT purchases must be approved in writing by the IT Director.

The Department Head is responsible to closely audit all Procurement Card transactions for the department. The Treasurer's Office and Purchasing Department will perform periodic audits of Procurement Card transactions.

The Purchasing Director provides final approval to all Procurement Card applications, after applicant provides evidence they participated in the formal in-house training class and signs the cardholder agreement form.

All Genesee County Purchasing Department Policies and Procedures as outlined in this guide must be adhered to when using a Procurement Card, just as they would be if using a PO, or any other acceptable form of payment.

**Department:** Central Services  
**Subject:** Quoting Requirements

**Effective Date:** April 11, 2000  
**Last Revision Date:** January 22, 2020

## QUOTING REQUIREMENTS

The following monetary values and approval procedures for all purchase and public works contracts have been established by the Genesee County Legislature pursuant to General Municipal Law, Section 104-b.

**Purchase Contracts – Goods and Services: All purchases for goods or services over \$1000.00 are required to be on a purchase order, except as noted on page 16.**

### **A. Commodity Contracts:**

**1. A purchase order requires *NO QUOTE IF:***

Product or material purchase of less than \$1,000 does not require quoting or bidding; Care should be taken to ensure the price paid is competitive.

**2. A purchase order requires *THREE VERBAL QUOTES IF:***

Product or material purchase valued between \$1,000 and \$4,999 require a minimum of three (3) verbal quotes.

**3. A purchase order requires *THREE WRITTEN QUOTES IF:***

Product or material purchase of \$5,000 - \$19,999 requires a minimum of three (3) written quotes.

**4. Any product or material purchase of \$20,000 and over requires a *Competitive Sealed Bid***

**5. *It must be noted that these are aggregate values. See Section G below.***

### **B. Public Works Contracts:**

1. **UNDER \$5,000:** Can be awarded at the discretion of the Purchasing Director

2. **\$5,000 to \$34,999.99:** Three formal written quotes

3. **\$35,000 and Over:** Competitive Sealed Bid

**C. Sole Source:** Approved by Director of Purchasing. See Pages 48-49.

**D. Emergency Purchases:** See pages 50-51.

**E. Insurance Policies:** Request for Proposal will be marketed by the County's Insurance Broker.

**F. Professional Services:** Request for Proposal, Sealed Bid or Negotiated

**G. Aggregate Purchases:** Items or work of the same or similar nature, which are customarily handled in the marketplace by the same groups of vendors or contractors, should be treated as a single item for the purposes of determining whether the dollar thresholds will be exceeded over a 12 month moving window. The dollar thresholds may not be avoided by artificially splitting or breaking up contracts into lesser agreements, or entering into a series of agreements, for sums below the bidding threshold.



<b>Department:</b> Central Services	<b>Effective Date:</b> April 11, 2000
<b>Subject:</b> Award of Quote	<b>Last Revision Date:</b> February 24, 2016

## **AWARD OF CONTRACT BY QUOTING**

Section 104b of the General Municipal Law does state that the Governing Board of every political subdivision and any district therein shall adopt, by resolution, internal policies and procedures for the procurement of goods and services which are not required pursuant to the competitive bidding requirements of Section 103 of the General Municipal Law.

The County of Genesee did adopt the necessary amendments to the existing Purchasing Policy and Procedures for the County of Genesee under Resolution No. 266, dated December 11, 1991.

The Purchasing Director, or designated personnel, shall furnish the necessary information to: the Chairman of the Legislature, requesting Legislators and the County Manager. This information would include but not be limited to, the number of quotes received, prices quoted and an explanation of how the determination of award is made.

All contracts for services exempt from the Purchase Order process that result from the quoting procedure shall be prepared and awarded by the Purchasing Director and approved by the County Attorney as to content and form.

Contracts shall be properly executed by the Purchasing Director pursuant to Genesee County Resolution #90, adopted March 24, 1993.

<b>Department:</b> Central Services	<b>Effective Date:</b> April 11, 2000
<b>Subject:</b> Quoting Procedure	<b>Last Revision Date:</b> February 28, 2018

## QUOTING PROCEDURE

County departments must adhere to all quoting requirements as outlined on Page 8.

It is the ordering department's responsibility to obtain and submit, to the Purchasing Department, the required quotes other than those that must be obtained by the Request for Quotation process. All informal quotes must be received by the Purchasing Department for review and approval **before** the purchase order will be released to the ordering department. Quotes should be attached to the PO in the New World System.

Forms for submitting verbal quotes are available on the Intranet.

Items requiring a Request for Quote (RFQ) must be requested through the Purchasing Department. The Purchasing Department will evaluate the request and prepare a formal written Request For Quote from the information received from the requesting department.

Formal written quotes (RFQ) will be prepared by the Purchasing Department.

All purchase contract awards will be made to the vendor submitting the lowest responsible quote whenever possible. Circumstances which will be documented may dictate purchase from other than the vendor providing the low quote, including, but not limited to, delivery requirements, quantity requirements, warranty information, location of vendor, and past experience with vendor.

Any purchases or projects with an estimated, but not definitely known, dollar amount which would exceed bidding limits will be processed by the sealed bid or request for proposal procedure.

**The importance of planning:** Anticipate your needs. After establishing your needs and the limitations of your budget, requisition your purchase as far in advance as possible. This will afford the Purchasing Department the greatest amount of time to review vendor selection, pricing and the time to solicit competition when necessary, thus resulting in the best value for tax dollars.

**Department:** Central Services

**Effective Date:** April 11, 2000

**Subject:** Methods of Procurement: Informal Quotes

**Last Revision Date:** February 28, 2018

## INFORMAL QUOTES

Normally an informal quote is done in writing, by telephone, website, email, or direct face to face contact with marketing personnel. If an item or commodity is required, the departments contact the necessary number of vendors who can supply the items and ask them for the delivered price. The lowest quote is then requisitioned by the department. There may be occasion to request a sales person to visit on site for new products on the market, etc. On those occasions the sales person may give a verbal or written quote on site. When obtaining informal quotes it is important to acquire the following information:

- Name and title of person giving quote
- Date and time quote given (price may change)
- Length of time quote is good for

**Department:** Central Services

**Effective Date:** April 11, 2000

**Subject:** Methods of Procurement: Formal Quotes

**Last Revision Date:** April 11, 2001

## **FORMAL QUOTES**

(Request for Quote - RFQ)

Formal quotes are much like bids in that they are requested to be in writing and meet certain requirements. The following procedure is observed:

1. The department requiring the product or service is identified.
2. A specific time and date is set for the receipt of a formal quote.
3. A complete description (specification) of the product or service is prepared.
4. Delivery requirements are stated (time, date, location).
5. Price requirements are provided by the vendor.
6. Signature and title of person submitting the quote is provided by the vendor.

The order is placed with the vendor who submits the "best value" meeting the requirements of the County. If the lowest price is not used, the reason must be documented and included in the file.

**Department:** Central Services  
**Subject:** Purchase Order

**Effective Date:** April 13, 2000  
**Last Revision Date:** April 14, 2021

## PURCHASE ORDER

### Purchase Order Definition

A purchase order provides a formal document and authority for the purchase of goods and services. Purchase orders provide documentation that goods and services have been ordered and received. They provide the necessary authority to pay vendor claims for goods and services. They initiate and substantiate various accounting processes. Purchase orders provide the necessary tax exempt sale proof needed by vendors. A complete executed purchase order becomes a valid contract by and between the County of Genesee and the vendor providing the goods and services.

### PO Processing Time

Purchase orders are generated on a daily basis from the information entered by departments into the Tyler/NWS Financial System.

### PO Processing Procedure

The Purchasing Department will access all purchase orders entered by county departments into the Tyler/NWS Financial System. Purchase orders will be reviewed to determine the type of purchase being made:

- Purchase from current County bid award
- Purchase from a New York State contract
- Purchase which requires a formal bid preparation
- Purchase requiring quotations - verbal, written or formal quote
- Purchase which requires Request for Proposal preparation

Supporting documentation, such as quotes or contract information, shall be attached to the PO in the New World System. Please scan in and attach as a document all relevant documentation or email the document to the Purchasing Director to be attached when approved.

If no further action is necessary and all required quotes have been electronically attached and received by the Purchasing Department the purchase order will be approved and emailed to the requesting department.

The ordering department will be responsible for forwarding purchase orders to the designated vendor after the purchase order has been approved, processed and signed by the Purchasing Director or authorized personnel.

**Purchase orders are to be completed BEFORE any purchase over \$1000 is made. The exceptions are listed on Page 16.**

### Purchase Order Requirement

No purchase over \$1000 may be made without a purchase order approved/signed by the Director of Purchasing, except for the exceptions on page 16. The County of Genesee will not be deemed responsible for any commitment made at the department level circumventing procurement procedures. If County procedures are circumvented these commitments could be considered **personal** expense for the person violating the policy.

**Department:** Central Services  
**Subject:** Blanket Purchase Order

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 27, 2011

## **BLANKET PURCHASE ORDER**

### **What is a blanket purchase order?**

A blanket purchase order is a purchase order made out to one particular vendor for a specific dollar amount, to be used on an as-needed basis when there is no provision to maintain an inventory. Blanket purchase orders eliminate the need to issue separate purchase orders for items purchased frequently from the same vendor.

The amount a blanket purchase order is made out for and the length of time it will remain in effect will be determined by the respective department head in conjunction with the Purchasing Director.

### **What is the procedure for processing a blanket purchase order?**

Blanket purchase orders are entered in the same manner as a regular purchase order. Departments should key "Blanket purchase order" in the description line when entering their purchase order. Blanket purchase orders are processed along with all other purchase orders on a daily basis.

Departments must keep a record of their purchases made against the blanket purchase order to ensure that they do not exceed the amount allowed on the purchase order. Any over-expenditure, depending on the circumstances, may not be approved by the Department Head for payment. If it is determined that a blanket purchase order may not be sufficient to cover all purchases to be made in the designated time period, the department should notify the Purchasing Director immediately.

When orders are delivered or picked up the receipts, delivery slips or other documents transmitted by the vendor will be signed by the individual receiving the order. The blanket purchase order number will be placed on the documents which will be kept on file within requesting department.

If a blanket purchase order dollar amount is exceeded, a new blanket purchase order should be generated.

**Department:** Central Services  
**Subject:** Requisitioning

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 27, 2011

## REQUISITIONING A PURCHASE ORDER

Requisitioning is a means of initiating the purchase order process for goods or services. It provides a formal record, within a department, that such goods and/or services have been requisitioned. Requisitioning provides the Purchasing Department with the proper authority to approve a purchase order. Purchase orders should be submitted whenever goods and/or services are required.

### Requisitioning Procedure:

Prior to entering a purchase order the department should do the following:

1. Obtain all necessary quotes and attach quotes electronically to the purchase order being entered. Verbal quotes must be submitted by Department on a "Verbal Quote Form". No purchase orders will be issued to departments prior to receipt of appropriate quotes.
2. Check if vendor is in the vendor file. If they are not on file the Treasurer's Office is to be advised. The Vendor will be added to the system. A W-9 form must be completed on the vendor.
3. Verify funds are in the appropriate account for the purchase. Any necessary budget transfers must be approved and entered before a purchase order may be processed.
4. If using a New York State contract, please include the contract number in the purchase order.
5. Purchase orders may be entered at any time.
6. After completing the above steps, the requisitioning department will utilize the Tyler/NWS Financial System to enter purchase orders.
7. Departments are responsible for accuracy of information submitted to the Purchasing Department by purchase order.
8. Purchase order numbers are only valid after the department has received a signed purchase order from the Purchasing Department. Purchase order numbers are not to be given to vendors before the purchase order has been approved by Purchasing.
9. Purchase orders are sent electronically to requesting department after approval.

**Department:** Central Services  
**Subject:** Exceptions

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 14, 2021

## EXCEPTIONS TO THE PURCHASING SYSTEM

There are certain expenditures for which the processing of a purchase order is not necessary. The following purchases are exempt from the purchase order procedure:

1. All purchases under \$1000 do not require a purchase order unless the vendor requires for their system. The benefit derived by the County using the purchase order system is minimal for purchases under \$1000. The Purchasing Department can, however, be used as a resource in securing items under the \$1000 limit. A Procurement Card should be used for routine purchases under \$1000. Call the Purchasing Office to arrange for a Procurement Card.
2. P-Card purchases over \$1000 if P-Card increase is approved by the Purchasing Director.
3. Contracts for professional services, which are exempt under the General Municipal Law, Section 103. All other contracts for professional services must be solicited pursuant to these policies and procedures.
4. Reimbursement of petty cash funds. The custodian of the petty cash fund will request replenishment of the fund in advance of its depletion. Request for replenishment of petty cash funds shall be submitted to the County Treasurer for payment.
5. Utility bills.
6. Interdepartmental charges, which refers to the interdepartmental charge-back services whereby County departments may charge other County departments for services rendered and/or goods received.
7. Medical examinations.
8. Legal Notices. Proof of publication shall be submitted to the County Treasurer for payment.
9. Postage meter and stamp costs.
10. Other expenses as determined by the Purchasing Director on an individual basis.

For those purchases and services which fall into one of the categories above, invoices shall be entered into the accounts payable system by the respective department. Invoices and abstracts shall be forwarded to the Treasurer's Office for filing.



**Department:** Central Services  
**Subject:** Methods of Procurement:  
Catalog Purchase

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 27, 2019

## CATALOG PURCHASE

A commonly used method of purchase is from a vendor catalog (online or in print). Before using a catalog or online ordering system we should read the "fine print", so to speak. The following questions should be asked before ordering from a catalog.

1. Where is the F.O.B. point (the shipping that is included with the price---origin or destination)?
2. What, if any, are the freight charges?
3. Are there quantity and price restrictions?
4. Are there "returned merchandise" restrictions?
5. Are there delivery restrictions or requirements?
6. Are there discounts and if so, what are they?
7. Are we familiar with the vendor and the quality of goods?
8. Price sometimes is not what it appears to be. Price vs. cost should not be confused
9. Does the vendor have a copy of the County's Tax Exempt Letter? If not, the ordering department is responsible for establishing tax exempt status before placing the order.

**Department:** Central Services  
**Subject:** Asset Acquisition Requests

**Effective Date:** February 24, 2016  
**Last Revision Date:** February 27, 2019

## ASSET ACQUISITION PURCHASE REQUESTS

The following procedures shall be adhered to when purchasing commodities using asset acquisition funding:

1. **Any requests for information technology products must be signed off by the IT Director.**
  - a. Should the IT Director deny the purchase request, the request will be returned to the department with the reasons for denial provided.
2. **Purchase requests must be approved by the Purchasing Director** to verify that the County's purchasing policy has been adhered to (i.e. required quotes, verbal or written, have been obtained, RFP issued, etc.)
  - a. Should the Purchasing Director deny the purchase request, the request will be returned to the department with the reasons for denial provided.
  - b. **The deadline for submitting purchase requests to the Purchasing Director is November 1.** There may be bidding procedures that you are unaware of. Any requests submitted after this time may be denied for inability to complete necessary bidding procedures within the time allotted.
3. **The approved form and all necessary supporting documents are then to be submitted to the County Manager's Office** who will review the request to insure required backup is provided and will approve or disapprove the purchase request.
  - a. Approved requests: County Manager's Office will enter a purchase order into the New World System based on documentation provided.
  - b. Disapproved requests: will be returned to respective department with rationale for disapproval.
  - c. Any increase in actual cost beyond the appropriation included in the County Budget will result in the need for a budget amendment or the purchase being deferred until the next year.
4. **The County Manager's Office will enter information into the .Net System for the issuance of a Purchase Order**
5. **If item(s) initially submitted and part of the Asset Acquisition budget are no longer needed, funds will revert back to 1% sales tax reserve and not used for other equipment purchases nor become part of the Department's operating budget appropriation.** Same holds true for any budgeted amounts remaining after item is procured based on bid award, discounts, special offers, etc.

**Department:** Central Services  
**Subject:** Receipt of Goods

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 27, 2011

## RECEIPT OF GOODS

When deliveries are made to County departments, an inspection for obvious damage should be done before the recipient signs for the shipment. Orders should be checked for correct items, correct quantities and damage. If there are discrepancies or damages noted at the time of delivery the receiving department shall note this on the delivery slip before signing to accept delivery. This will prevent the County from incurring charges for damaged goods and/or goods not received.

If there are errors in the order, determined to be the fault of the vendor, and the department cannot resolve the problem, then a "Vendor Complaint Memo" should immediately be written and forwarded to the Purchasing Department for necessary action. Purchasing personnel will pursue all avenues to resolve the discrepancies that exist. **(See Vendor Performance Page 61)**

Payments for partial orders are allowed. Enter the information for the items which were received into the Accounts Payable section of the New World System. The Purchase order will be "closed," by the ordering Department, when the back ordered item is received.

All vendors are entitled to prompt payment. County departments should process purchase orders for payment as soon as possible after receiving all items ordered and invoice.

**Department:** Central Services  
**Subject:** Best Value

**Effective Date:** September 11, 2014  
**Last Revision Date:** February 24, 2016

## **PURCHASING BASED UPON BEST VALUE**

Genesee County Resolution #336, dated 9/11/2014 authorized the Genesee County Purchasing director to use the Best Value criteria when awarding purchase and service contracts consistent with section 103 of the New York State General Municipal Law and Section 163 of the New York State Finance Law.

Use of the Best Value criteria is intended to provide the County greater flexibility in awarding contracts and ensure the County obtains the highest quality goods and services at low cost. Awarding contracts on the basis of Best Value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality, control costs, and enhance efficiency among responsive and responsible vendors/offerors.

**Factors that may be used to enact the “best value” option, where cost-efficiency over time to award the good(s) or service(s) to other than the lowest bidder are:**

1. Lowest cost of maintenance for good(s) or service(s);
2. Durability of good(s) or service(s);
3. Higher quality of good(s) or service(s);
4. Longer product life of good(s) or service(s).

**Authority:**

The Purchasing Director may award purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8, on the basis of best value, as defined in the State Finance Law Section 163, to a responsive and responsible bidder or offeror.

- Where the basis for award is the best value offer, the Purchasing Director shall document, in the procurement record and in advance of the initial receipt of offers, the determination of the evaluation criteria, which whenever possible, shall be quantifiable, and the process to be used in the determination of best value and the manner in which the evaluation process and selection shall be conducted.
- Where appropriate, the solicitation shall identify the relative importance and/or weight of cost and the overall technical criterion to be considered by the Purchasing Director in the determination of best value.
- The election to award any such contract on the basis of best value shall be made by the Purchasing Director in consultation with the Department Head and appropriate Legislative committee. In the event that no such election is made, purchase contracts will continue to be awarded to the lowest responsible bidder furnishing any required security in accordance with the County of Genesee Purchasing Policy.

**Department:** Central Services  
**Subject:** Competitive Sealed Bidding

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 06, 2022

## **COMPETITIVE SEALED BIDDING**

Purchases in excess of \$20,000  
Public Works Purchases in excess of \$35,000

General Municipal Law, Section 103 requires purchase contracts exceeding \$20,000.00 (formerly \$10,000) and public works contracts exceeding \$35,000.00 (formerly \$20,000) to follow the competitive bidding procedure and be awarded to the lowest responsible bidder, following public advertisement and submission of sealed bids.

In determining the necessity for competitive bidding, an aggregate cost of an item or commodity estimated to be purchased over a twelve month period is considered- the exception being where a purchase from a state contract, or other contract that allows for "piggybacking," is utilized.

The term "public works contracts" applies to those items or projects involving labor or both labor and materials.

Requests for bid preparation should be made directly to the Purchasing Director. A reasonable notice shall be given to the Purchasing Director by the requesting department.

**Bid documents are to be developed using the County's Bid boilerplate, a fillable .pdf that contains necessary terms and conditions. This boilerplate has been reviewed and approved by the County Attorney.**

The following information is required from the requesting department:

1. Detailed description of item(s) to be bid
2. Any additional information or requirements regarding item(s) to be bid
3. Date delivery of item(s) is required
4. Budget line and dollar amount allocated for goods/services

The Purchasing Director and requisitioning department head will determine a return date for bids that allows vendors a reasonable period of time to prepare their bids and also a reasonable period of time to review bids received. In most situations if a bid due date is rescheduled, a second Legal Notice shall be issued.

A minimum of five (5) calendar days must be allowed from date of Legal Notice to bid due date. Bids must be awarded within forty five (45) days of receipt of bids. After 45 days, a vendor cannot be required to hold price and cannot be penalized if they refuse. The County may request the vendor to hold open the price. This request and the vendor's agreement must be in writing

The Purchasing Department shall prepare the bid package and obtain final approval from the requisitioning department prior to advertising "Notice to Bidders".

**Department:** Central Services  
**Subject:** Competitive Bidding Cont...

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 14, 2021

## COMPETITIVE SEALED BIDDING CONT...

### Requirements:

1. Specifications shall be developed to a minimum standard, which will allow greater participation by vendors in the sealed bid process. Specifications that are too precise and do not allow for competition are not in keeping with the intent of General Municipal Law Section 103 and may result in lawsuits against the County.
2. Notice of bid must be published in designated newspapers as authorized by the Genesee County Legislature, at least one time, a minimum of five (5) calendar days prior to the bid opening date. The current newspaper of record is the Daily News.
3. Notice shall contain information as to what goods, equipment or services are required, the date, time and place to return bids, affirmative action statement, etc.
4. Bid openings are conducted at a public meeting and all interested parties may attend.
5. Contract will be awarded to the responsive bidder who submits the lowest price meeting specifications. There are no negotiations allowed under the Formal Sealed Bid process. The award is made to the lowest, responsive and responsible Bidder.

## BID AMENDMENTS/EXTENSIONS

### General

Bid amendments and extensions require the approval of the Purchasing Director. Bid amendments and extensions must be available to all firms and individuals sent or given the original solicitation. The Purchasing Director shall ensure bidders are given reasonable time to respond to the requirements of the bid amendment, especially if it contains material changes to the specifications or terms and conditions.

### Extension of Bid Due Date

In the event of an extension of a bid due date, a second Legal Notice must be published in the paper of record notifying interested parties of the change in bid due date. The Purchasing Director shall ensure bidders are given reasonable time (minimum of five (5) days) to respond to the new bid due date.

### Extension of Request for Proposal Due Date

A Request for Proposal solicitation is not required to be advertised. If a proposal was originally advertised and the due date is changed, it would be advisable to publish a second Legal Notice in the paper of record notifying interested parties of the change in the proposal due date. The Purchasing Director will make this decision based upon the facts of each occurrence. All Requests for Proposal's and applicable Addenda shall be posted on the Bid Net Direct Site or other such identified notification systems.

**Department:** Central Services  
**Subject:** Legal Advertising for Bids

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 24, 2016

## LEGAL ADVERTISING FOR BIDS

The Purchasing Department is responsible for the placement of the legal advertisement (Legal Notice) for “Notice to Bidders” in the newspaper of record (Batavia Daily News). The requisitioning department must specifically request that the advertisement be placed in any other publication.

The advertisement for bids shall provide vendors with a brief description of what is being bid, where they may request specifications, and the date, time and place where bids must be returned and will be opened.

### **Payment for Legal Notices - “Notices to Bidders”**

All invoices for placement of legal advertisements for “Notices to Bid” in the paper of record (Batavia Daily News) will be processed for payment by the Purchasing Department and paid from the Purchasing Department’s budget.

All invoices for placement of legal advertisements for “Notices to Bid” in any other publication or for major capital construction projects must be processed for payment and paid from the budget of the requisitioning department.

**Department:** Central Services  
**Subject:** Non-Collusion Statement

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 24, 2016

## **NON-COLLUSION STATEMENTS**

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:

1. 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;
2. 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
3. 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.



**Department:** Central Services  
**Subject:** Award of Bids

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 24, 2016

## AWARD OF BIDS

Bids received in response to a request for bids will be reviewed by the Purchasing Director and requisitioning department head before a recommendation for award of contract is presented to the Legislature. The following conditions must be met by any bids being considered for award of contract:

1. Bid must be received at the specified location before the date and time specified.
2. The Purchasing Director must certify that all bids being considered meet the intent of the specifications.
3. There are sufficient appropriations within the requisitioning department's current budget.
4. The recommendation is to award to the lowest responsible bidder meeting specifications.\*

\* In any instance where a responsible bidder's gross price is reduced by an allowance for the value of used machinery, equipment, apparatus, or tools to be traded in, the gross price shall be reduced by the amount of such allowance for the purpose of determining the low bid.

General Municipal Law, Section 104-b, Subdivision 2, paragraph (e) requires justification and documentation of any contract awarded to other than the lowest responsible dollar offeror, setting forth the reasons such an award furthers the purpose of this section.

Whenever a purchase is made from a vendor or contractor other than the one submitting the lowest bid, there must be justification and documentation of the reason why the purchase is in the best interest of the County of Genesee. For example; if the vendor who submitted the lowest bid has a history of not making deliveries on time, or delivering goods of inferior quality, such facts might be justification for awarding the contract to a vendor other than the vendor submitting the lowest bid. Such decision must be documented with facts.

In cases where two or more responsible bidders submit identical bids, after allowance for trade-in if applicable, the County of Genesee shall award the contract to any of the bidders. The decision for award will be made by the County of Genesee at its sole discretion. The basis for award will not revert back to the bid before trade-in, but on the total bid received with allowance for trade-in, if applicable.

**Department:** Central Services  
**Subject:** Rejection of Bids

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 24, 2016

## REJECTION OF BIDS

Solicitation awards are normally made to the overall lowest, responsive and responsible bidder. This means that the bid is lowest in price, the vendor submitted the bid on time and met all requirements and specification cited in the solicitation, and the goods or services can be provided in full and within the scheduled time frame.

All components of this policy are equally important. In other words, bids that do not meet all of the above requirements may be rejected even if they are the lowest priced.

Sometimes circumstances require the rejection of all bids received through the formal bidding process. The Purchasing Director, or designee, shall make the recommendation to reject all bids to the Committee of Jurisdiction and then to the Legislature. A formal resolution will be passed indicating the reason for the rejection of bids and authorizing said rejection of bids by the County of Genesee.

Reasons for rejection are based on non-conformance with bid specifications and requirements, and/or the inability of the vendor to meet the functional needs or time frames established by the County department.

Rejections based on negative past performance must be supported by detailed records and documentation of specific incidents, service records, etc.

Actual performance testing and evaluation, properly documented, may be an appropriate reason for rejection.

A bidder who fails to provide adequate literature, samples, clarifications, etc, may be rejected, on the basis of "non-responsiveness".

Bidders will not be allowed to change their offers after the bid deadline. Bids must be evaluated based on face value.

Bidders are contacted only when it is necessary to obtain additional product/service information or demonstrations.

Departments do not discuss the results of departmental tests or other aspects of the evaluation with the bidders until after the award has been made.

<b>Department:</b> Central Services	<b>Effective Date:</b> April 11, 2000
<b>Subject:</b> Bid Mistakes/Bid Openings	<b>Last Revision Date:</b> February 24, 2016

## FORMAL BIDS: BID OPENINGS/MISTAKES

### Bid Openings

#### Policy

All bid openings are public and anyone is permitted to attend. When all bids have been opened and read aloud they are available for public view. Anyone not in attendance at the public bid opening may review bids during normal business hours by contacting the Purchasing Department office.

After the bid opening, all bids are considered the property of the County of Genesee and will not be released. Bidders may withdraw bids forty-five (45) days after the bid openings.

### Mistakes in Bids

#### Overview

Mistakes in bids can present serious problems. It is the responsibility of the Purchasing Director to bring the mistakes to the attention of the bidder as well as the client.

The essential rule is that no change or correction be permitted that would prejudice the interest of the public or would be unfair to other bidders. Before a bid opening, a bidder may correct a mistake or withdraw its bid. After the bids are opened, but before award, a mistake may be corrected only if it is minor and the intent of the bid is obvious. After award of a contract, the general view of the courts is that a mistake in a bid that comes to light at this point does not relieve the contractor from performance in accordance with the contract award.

It is easy to appreciate that it is not always simple to determine if a mistake is minor, particularly in the eyes of the other vendors. Increasingly, many jurisdictions are faced with challenges from other vendors that need to be resolved prior to the awarding of a contract to the "successful" vendor. The County Attorney should be consulted to determine proper course of action.

#### Minor Mistake - Unsigned Bids

The returned Bid Sheet shall be signed by an appropriate officer or authorized preventative. However, unsigned bids will not necessarily be rejected if the omission was determined to be a clerical error.

#### Correction

A signed document must be submitted declaring the clerical error and stating the offer is true in order for the bid to be evaluated for possible award.

**Department:** Central Services  
**Subject:** Late Bids

**Effective Date:** April 29, 2002  
**Last Revision Date:** February 08, 2017

## LATE BIDS

Any bid received after the closing time will be considered a late bid. Late bids are considered as non-responsive bids, and are returned to the bidder unopened.

### Vendor Responsibility

It is the responsibility of the bidders to submit their bids:

- \* Before the date and time specified on the bid
- \* To the proper address indicated on the bid.
- \* Envelopes marked with the correct bid number and closing date.
- \* Any delay due to traffic, weather, mail or express delivery is not an exception to the deadline for receipt of proposals.

**Department:** Central Services

**Effective Date:** April 24, 2003

**Subject:** Formal Bids Notification of Award

**Last Revision Date:** April 27, 2011

## **FORMAL BIDS NOTIFICATION OF AWARD**

The Purchasing Department will tabulate all bids accepted. Following a review of the bids by the requesting department and Purchasing, the low bidder(s) shall be determined for award of a contract.

### **Event of Tie Bids**

Low tie bids are low responsive bids from responsible bidders that are identical in price and which meet all the requirements and criteria set forth in the Bid document. At the County of Genesee's discretion, an award shall be made in any permissible manner that will resolve tie bids, including but not limited to:

- (a) Award of the contract to a business providing goods produced or manufactured in the county or to a business that otherwise maintains a place of business in this County;
- (b) Award of the contract to a bidder offering a low bid who received the previous award;
- (c) If no permissible method will be effective in resolving tie bids the award may be made by a neutral person drawing lots in order to break the tie.

### **Vendor Notification**

A letter of award shall be mailed to all bidders and will indicate the successful vendor. In most cases, the successful bidder will be issued a purchase order for those items they have been awarded. Where there is a formal contract required the department who requested the goods/services will initiate that process.

### **Vendor Withdrawal**

No bidder may withdraw a bid within forty-five (45) days after the actual date of the bid opening.

### **Event of Low Bidder Not Receiving Award**

In the event a low bidder is not recommended for an award, the department head must detail the reasons why the low bidder did not qualify. The reasons must be documented in a memorandum, which shall be sent to the Purchasing Department. This correspondence will be kept with the bid file for future reference or audit by the NYS Comptroller's Office.

**Department:** Central Services  
**Subject:** Award of Bids – D.S.S.

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 24, 2016

## **AWARD OF BIDS DEPARTMENT OF SOCIAL SERVICES**

The award of competitive bids for goods and services to be provided to the County of Genesee for the Department of Social Services will be made by the Genesee County Legislature.

The award of competitive bids for goods and services to be provided to the clients of the Department of Social Services will be made by the Commissioner of the Department of Social Services.

The Notice to Bidders, compilation of bid specifications and the opening of bids will be performed by the Purchasing Director.

Nothing set forth above should be interpreted in any way as a method of altering the applicable requirements of Article 5-A of the General Municipal Law.

<b>Department:</b> Central Services	<b>Effective Date:</b> April 11, 2000
<b>Subject:</b> Professional Services	<b>Last Revision Date:</b> February 24, 2016

## PROFESSIONAL SERVICES

Professional services and services requiring special or technical skill, training or expertise are not purchase contracts or contracts for public work, as those phrases are used in the bidding statutes and therefore are not subject to competitive bidding procedures. The determination of whether the professional service exception is applicable in given situations must be made on a case by case basis, examining the particular services to be acquired.

Generally, professional services involve specialized expertise, use of professional judgment and/or a high degree of creativity. In addition, although it has been held that the exception may apply, in proper circumstances, to contract with a corporation. In these instances the services generally are to be performed by particular designated individuals. Finally the courts have noted that professional service contracts often involve a relationship of personal trust and confidence. Among the services which have been held to be exempt from competitive bidding under this exception include, but are not limited to, the following: other physicians, psychiatrists, psychologists, pharmacists, engineers, surveyors, accounting firms, attorneys, architects, and individuals who supply a service that requires specific training to perform a task that is unique and not readily available from most sources. Negotiations for all services which are not determined to fall under the RFP process shall be determined by the County of Genesee.

To assist departments in determining whether a Bid/RFP or negotiations are to be used, see Professional Services Matrix on page 32.

### **Procedure when exception applies**

When an exception to competitive bidding applies, such as in emergency or professional service procurement, the courts have generally held that an award must still be made in the best interests of the public. Therefore, in order to ensure that the taxpayers are best served by securing goods and services at the best price obtainable under the circumstances, in a fair and equitable manner, it will be the County's intent to seek competition either through the use of a Request for Proposals or by requesting written or verbal quotations.

**Department:** Central Services  
**Subject:** Professional Services

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 14, 2021

## PROFESSIONAL SERVICES MATRIX

PROFESSIONAL SERVICES- OVER \$20K NOTE: This list is not all-inclusive	Bid/RFP	Other
All procurements for the purpose of entering into major contracts with agencies to provide care, treatment, counseling, referral or rehabilitative or preventative services to the mentally ill, developmentally disabled, and those suffering from the disease of alcoholism or substance abuse.		Negotiated
Teachers, lecturers, or other educational professionals or experts:		Negotiated
Procurement of title insurance or title examination services		Negotiated
Architect, professional Engineer or Land Surveyor licensed and registered in New York		Negotiated
Services of Clergy		Negotiated
Transactions with a Federal or State political subdivision or agency		Negotiated
Services of expert witnesses for use in, or anticipation of, an adjudication proceeding or litigation.		Negotiated by County Attorney and/or District Attorney/Public Defender
Contracts for medical or health related services; contracts with health-care workers, or agencies engaging health-care workers, including dentists, home health and personal care aides, occupational, speech and physical therapists, nurses, nurses assistants, medical, lab, and psychiatric workers, veterinarians.	X	
Contracts for psychiatrists, other physicians, or psychologists.		Negotiated
Not-for-Profits for providing aid, care and support to person in need of public assistance.	X	
Procurement for the services of Lawyers		Negotiated by County Attorney
Procurement for the services of financial advisors		Negotiated by County Treasurer
Any Procurement for the purpose of entering into a contract with persons for the creation and support or recreation projects, youth service projects and other appropriate programs and services for the prevention of delinquency and youth crime and the advancement or moral, physical, mental and social well-being of the youth of Genesee County.	X	
Contracts with banks and financial institutions licensed or chartered to do business in the State of New York for the deposit of funds, including Trust Fund Agreements, Escrow Agreements and other fiduciary services provided that such agreements shall be consistent with the law; and any policies now or hereafter established by the Legislators relating to such Agreements.		Negotiated by County Treasurer.
Procurement of service related animals, such as K-9 Officers		Negotiated

**This policy shall NOT apply to real property leases, licenses and concessions.**



**Department:** Central Services  
**Subject:** Request For Proposals

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 14, 2021

## REQUEST FOR PROPOSALS (RFP)

Professional services cannot be defined to the extent that materials can be, therefore emphasis should be on accurately evaluating the capability of the firms that are interested in performing professional services for the public sector. The competitive sealed proposal method - "Request For Proposals" (RFP) is most appropriate in such cases.

The RFP is a more flexible method of source selection than competitive sealed bidding and is essentially the equivalent of "competitive negotiations". Adverse inferences are generally made when the term "negotiations" is used. "Competitive Sealed Proposals" accurately describes this method of procurement and avoids such inferences.

The RFP procedure is as follows:

1. Development, advertisement and distribution of a RFP
2. Receipt and registration of proposals
3. Evaluation of proposals
4. Discussions with final Offeror
5. Award of contract

**A reasonable notice shall be given to the Purchasing Director by the requesting department to allow for development of the RFP specifications.**

**RFPs are to be developed using the County's RFP boilerplate, a fillable .pdf that contains necessary terms and conditions. This boilerplate has been reviewed and approved by the County Attorney.**

Contracts are awarded to the responsible Offeror whose proposal is most advantageous to the County of Genesee, taking into consideration price and qualitative evaluation factors set forth in the specifications.

The RFP method differs from the competitive sealed bidding method in two important aspects. First, when the RFP method is used, the County holds discussions and negotiates with the offerors whose proposals are acceptable or potentially acceptable. Second, unlike the competitive sealed bid method, which compares the prices of responsive bidders to determine award, the RFP method evaluates proposal against proposal on a cost and qualitative basis to determine award.

The following information is required to initiate a RFP:

- A work statement or performance specification (scope of work)
- Time frames in which the work is to be completed
- Specific criteria to be used in evaluating the proposal

After proposals are received, the Purchasing Director will guide the evaluation committee designated within the RFP in the review and evaluation of proposals using the weighted evaluation criteria that was defined within the RFP. The evaluations will create a score for each proposal used to identify the proposal that best meets the needs of the County.

**Department:** Central Services  
**Subject:** Requests For Proposals cont.

**Effective Date:** April 11, 2000  
**Last Revision Date:** April 14, 2021

## REQUEST FOR PROPOSALS CONT...

When the above has been completed, the following three alternatives will be available to the County.

1. A selection will be made of the most responsive proposal by a qualified firm for the work. A clear understanding of the contract provisions will be sought and an agreement of a fair and reasonable price, if the Offeror did not include the price in the proposal. If an agreement is not reached, negotiations will be discontinued and the County will proceed to the second most responsive proposal by a qualified firm.
2. A selection of two or three most responsive proposals for the work, by qualified firms, will be made. A clear understanding will be sought of the contract provisions and an agreement on a fair and reasonable price if the offeror did not include the price in the proposal. A selection of a firm will be made on the basis of that firm submitting the most responsive proposal, price and other factors considered.
3. Follow the same process as in No. 2 and let the final selection of the successful firm be based on price alone.

Request for Proposals are negotiations, which means that all components of the proposal may be negotiated after the evaluation committee has met. Negotiations may be completed in several stages, depending on the needs of the evaluation committee and the best interest of the County of Genesee.

Request for Proposals for services rendered to the County of Genesee will be at the discretion of the Purchasing Director. There will be no dollar limit set for RFP items and each determination will be made on its own merits. A department decision to solicit RFP's for the services desired must be documented and justified to the Purchasing Director's satisfaction.

### INSURANCE

The County's Insurance Broker will market the County's insurance program and any other additional insurance needs to the appropriate insurance markets. All agreements for insurance coverage for the County of Genesee will be reviewed by the County Attorney. A contract will be negotiated by and between the County of Genesee and the respective insurance representatives. All insurance coverage agreements will be approved by the Genesee County Legislature.

**Department:** Central Services  
**Subject:** State Contracts

**Effective Date:** April 19, 2002  
**Last Revision Date:** April 14, 2021

## STATE CONTRACTS

The following procedures shall be adhered to when purchasing commodities from State Contracts:

1. Prior to ordering vehicles, related equipment, (snow-plows, dump bodies, lights, bed liners, etc.), from State Contracts, department shall present their requests to the Committee of Jurisdiction for review and approval. Said requests shall then be forwarded to the full Legislature for approval of purchase by formal resolution of the Genesee County Legislature.
2. Purchases should be made through available state contracts of the office of General Services, Division of Purchasing, whenever such purchases are deemed by the Purchasing Director to be in the best interest of the county.
3. In the event such purchase is ruled not in the County's best interest or additional price comparisons are desired, the departments shall obtain quotes pursuant to quoting procedures as outlined in the Purchasing Policy and Procedures. This will ensure the county is obtaining the best possible price for the commodities required.
4. Obtaining a quote that is lower than the State Contract price does not provide an exemption from bidding requirements. "State Contract or less" is not an allowable purchasing method for municipalities. If a lower quote is obtained and the department chooses to pursue that pricing by not using the State Contract, then bidding procedures must be followed.

<b>Department:</b> Central Services	<b>Effective Date:</b> April 24, 2003
<b>Subject:</b> Service and/or Maintenance Contract Approval	<b>Last Revision Date:</b> April 14, 2021

## SERVICE AND/OR MAINTENANCE CONTRACT APPROVAL

### Overview

A service and/or maintenance contract is an agreement calling for a contractor's time and effort rather than a product. It's the furnishing of labor, time, or effort by a contractor or vendor, not involving the delivery of any specific end product other than reports that are incidental to the required performance.

The term is used here to describe the work performed by a vendor in repairing or performing maintenance on all types of county equipment.

### Policy

All such services provided to the County of Genesee, by outside agencies, firms or individuals shall be on a contractual basis. The following is a guideline to use in the approval process using the estimated annual cost of the services:

<i>Cost of the Service Contract:</i>	<i>Approval:</i>
\$20,000 and over	Legislature
\$1.00 to \$19,999.99	Department Head

### Procedure

Before approval of contract the actual service and/or maintenance contract shall be submitted for review and approval by the County Attorney.

After approval is given, as specified by this policy/procedure, a purchase order shall be created to encumber the funds for the service and/or maintenance contract.

Monies shall be encumbered under the purchase order system for contracts where a monthly or annual payment has been established. This procedure enables the departments to have a more realistic running balance of monies available for expenditure throughout the budget year.

**Department:** Central Services  
**Subject:** Federal Purchasing Regulations

**Effective Date:** December 13, 2017  
**Last Revision Date:** April 6, 2022

## 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 (2CFR 200).

A link to the CFR can be found on the Genesee County Intranet. In addition, the specific requirements can be found within the Genesee County Grant Management Guide (See Note at bottom of page). The Genesee County Grant Management Checklist must be used to ensure compliance with these requirements and to provide documentation of compliance.

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

For the purchasing of goods and services using Federal funding, all Genesee 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.

**NOTE:** If there are questions regarding Genesee County Grant Management procedures, please contact the County Manager's Office.

<b>Department:</b>	Central Services	<b>Effective Date:</b>	November 11, 2020
<b>Subject:</b>	Community Development Block Grant (CDBG) Funded Purchases	<b>Last Revision Date:</b>	October 23, 2020

## COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PURCHASES

The County of Genesee fully embraces the spirit and intent of Section 3 and sets forth the development and publication of policies and procedures in accordance therewith. Such policies are applicable to contractors, subcontractors and others engaged in projects funded through the County of Genesee with CDBG funds. Subsequent executed contracts with contractors and subcontractors are required to create and implement a Section 3 Plan. All Section 3 covered contracts and subcontracts shall include the Section 3 Clause set forth at 24 C.F.R. §135.38 as set forth below:

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 C.F.R. part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 C.F.R. part 135 and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 C.F.R. part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 C.F.R. part 135.

<b>Department:</b>	Central Services	<b>Effective Date:</b>	November 11, 2020
<b>Subject:</b>	Community Development Block Grant (CDBG) Funded Purchases	<b>Last Revision Date:</b>	October 23, 2020

## COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PURCHASES CONT...

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 C.F.R. part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 C.F.R. part 135.

F. Noncompliance with HUD's regulations in 24 C.F.R. part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and sub contracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

H. As per 24 C.F.R. §135.90, the Contractor agrees to submit, and shall require its subcontractors to submit to them, quarterly reports to the County of Genesee detailing the number of new employees hired, the number of new Section 3 employees hired, and any affirmative efforts made to direct hiring efforts to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing during the previous quarter.

<b>Department:</b>	Central Services
<b>Subject:</b>	Standardization

<b>Effective Date:</b>	April 11, 2000
<b>Last Revision Date:</b>	February 24, 2016

## STANDARDIZATION

Section 103 of the General Municipal Law makes it possible for the County to standardize on a particular type of material or equipment. The resolution, approved by at least two-thirds of all Legislature members, shall state that for reasons of efficiency or economy there is a need for standardization. The resolution shall contain a full explanation supporting such action.

The adoption of such a resolution does not eliminate the necessity for conformance to the competitive bidding requirements.

Standardization, as the word implies, restricts a purchase to a specific model or type of equipment or supply. An example of standardization would be the limiting a purchase of trucks to a particular make or model on the basis of past performance and/or future plans.



<b>Department:</b> Central Services	<b>Effective Date:</b> April 11, 2000
<b>Subject:</b> Capital Projects	<b>Last Revision Date:</b> April 12, 2006

## CAPITAL PROJECTS

### **Purchase requisitions for capital projects:**

Capital project accounts are accessible through the purchase order system. All requisitions for purchase orders from capital project accounts must be entered by the Treasurer's office. The requisitioning department shall provide the following information to the Treasurer's office:

- \* Requisitioning department name
- \* Indicate that it is a request for purchase order from capital project accounts
- \* Department head approval of requisition
- \* Required quotes as outlined on page 8
- \* Name of vendor
- \* Items to be purchased, including quantities and prices

### **Payment of invoices for capital projects:**

Invoices will only be honored for payment from the Capital Project Account upon proper review by the Legislature. Proper documentation must be submitted at time of requisition.

**Department:** Central Services  
**Subject:** Capital Project Change Order

**Effective Date:** February 08, 2017  
**Last Revision Date:** February 08, 2017

## CAPITAL PROJECT CHANGE ORDERS

Alterations to construction contracts or other service contracts are called change orders, and they authorize additional or altered work to be performed that is either necessary to complete the work in the original contract as intended or to add work that would not result in a material change to the scope of the contract.

### Change orders may occur due to:

1. The need to add work related to the original scope, to delete work, or to otherwise modify the original work scope;
2. price overruns or underruns (on a unit price item);
3. design errors or omissions;
4. unanticipated field conditions; or
5. non-material scope changes.

Change orders are not subject to competitive bidding requirements because they are not viewed as new procurements. The County is allowed to modify contracts without competition "so long as such modification does not alter the essential identity or the main purpose of the contract."

While it is not unusual to have deductive change orders, change orders usually increase the cost of the contract. Individual change orders and aggregated change orders that remain below 10% of the value of the contract or \$20,000, whichever is less, do not require approval from the Legislature. The department head that is responsible for the project will have the authority to approve Change Orders under this threshold.

If the contract is funded from a capital project, and additional funding is required to allow additive change orders on contract, then a corresponding budget or capital project amendment should be processed by the department responsible for the contract. The department head must identify the source of the additional funds and obtain approval from both the County Treasurer and the County Legislature for the appropriate budget and/or capital project amendment.

As a recommended practice, capital construction projects exceeding \$200,000 should include a 10% contingency when projects are budgeted. Therefore, any change orders with an aggregate total of more than 10% of the initial contract cost, or \$20,000, will require approval the Treasurer and the County Legislator in the form of a resolution approving both the change order and a capital project amendment funding the additional work.

**Department:** Central Services

**Effective Date:** February 08, 2017

**Subject:** Capital Project Change Order

**Last Revision Date:** February 08, 2017

## **CAPITAL PROJECT CHANGE ORDERS CONT...**

Change orders exceeding the aggregate amount of 10% of the value of the contract or \$20,000, whichever is less, may be approved post facto by the Legislature only when funds are available in the budget or the capital project and the delay in the approval of the change order would materially affect the outcome of the project schedule or overall budget. When change orders fall into this category the Legislative Chair must be contacted for approval, and the Legislature must be notified immediately of the change order and the upcoming resolution to approve said change order.

Change orders may not be included on pay requests from contractors or vendors until they have been approved in compliance with the policy as described above.

### **EXAMPLES:**

1. The Highway Department has entered into a contract with ABC Construction to install a fence. The contractor encounters a large boulder that was buried under the ground and needs to be removed prior to installing the fence. This necessitates a change order. The cost of the additional work is \$5000 and the total cost of the project is \$60,000. The work is necessary, unexpected, and if not completed immediately will cause a delay in the project. Because the additional cost is less than \$20,000 and less than 10% of the total project cost, the Highway Superintendent is authorized to sign the change order. There is no need for a resolution.
2. The same project encounters another, unexpected, change. The contractor realizes that the plans did not specify an electronic security pad on a door that is to be installed in the fence perimeter. This change will cost \$4,000. This \$4000 added to the previous \$6000 change is \$10,000. This does not bring the aggregate change orders over the \$20,000 threshold, but it does bring it over the 10% threshold. The door needs to be ordered and installed immediately because the crew is on site and ready to proceed with the project. The Legislature does not meet again for three weeks. The Highway Superintendent will, at this point, contact the Chair of the Legislature for approval. The Chair will attempt to provide approval within 24 hours. Once approved, the Highway Superintendent will sign the change order and email the County Legislature to notify the legislators of the change. The highway superintendent will submit a resolution to be approved at the next legislative meeting. The change order will not be paid until the resolution has been passed.
3. Same project, but a different scenario. When the need for the electronic pad was identified, the contractor determined that the electronic entry could be added to the door after the construction was completed. The change order was not necessary for the completion of the project and it would not cost the County any additional labor fees for the contractor to install the security pad after all other work was completed. If that was determined, then the Highway Superintendent can draft the resolution and submit it to the legislature for approval. Once the resolution is approved the change order will be signed and work will resume.

<b>Department:</b>	Central Services	<b>Effective Date:</b>	April 11, 2000
<b>Subject:</b>	IT Services Computer and Telecommunication Hardware and Software Acquisition	<b>Last Revision Date:</b>	April 6, 2022

## **IT SERVICES**

### **COMPUTER AND TELECOMMUNICATION HARDWARE AND SOFTWARE ACQUISITION**

The following outlines the acquisition procedure to be followed for the purchase of computer and telecommunication related hardware or software. As always, a purchase assumes that the user has obtained budgetary approval either as a result of the budget process or through the preparation and approval of needs justification and appropriate budget transfer or approval.

The IT Director will discuss the department's needs for the hardware or software requested. The IT Director will also help you to decide on the correct items to request to perform the intended task and how the hardware and software should be implemented.

Only equipment (computer and telecommunication hardware/software) approved by IT will be allowed on the County's network.

### **GENERAL PROCEDURE**

The following process has been reviewed by the IT Department and agrees that the following will be the County of Genesee budget and purchasing process for computer and telecommunication hardware and software. All departments must adhere to the following process.

➤ Annual Budget Process

1. To ensure compatibility of the intended purchase with other hardware and software in the County, each department must develop, document and review their purchasing plans with the IT Director or designated representative prior to the annual budget.
2. All departments must utilize the County's purchasing RFP or bid process for all acquisitions or use state contract procedures, if the cost is more favorable to the County.
3. All budgeted dollars for computer and telecommunications hardware/software must be documented in the annual requested budget by equipment specifications as agreed with the IT Department. If they are not identified in detail, they will be eliminated from the budget.

<b>Department:</b> Central Services	<b>Effective Date:</b> April 11, 2000
<b>Subject:</b> IT Services Computer and Telecommunication Hardware and Software Acquisition	<b>Last Revision Date:</b> February 28, 2018

## IT SERVICES CONT...

### ➤ Hardware/Software Purchase Process

1. Department, when ready to purchase the requested hardware/software, will contact the IT Department. A review of the hardware/software need will be discussed to ensure no additional changes are needed since the budgetary process.
2. For most IT purchases, IT Department will create the purchase order requisition form and send to the department for entry into the New World System. Entry of PO Requisition must be done within 20 days of receiving form from IT.
3. Any IT purchases that are made directly by the department (either via P-Card, bid, or the PO process) need to be approved by the IT Director using the IT Purchase Approval form. This form can be found on the Genesee County Intranet.
4. All equipment should be shipped to the IT Department. Once IT has received and verified the items, a schedule for installation will be setup with the department. If the equipment is shipped to the department, department is responsible for verifying items are received (i.e. # of boxes, etc.). Department must contact IT help desk informing of equipment received and to schedule installation.
5. Once hardware/software is installed, an inventory will be taken. If the hardware is replacing existing equipment, the old hardware is to be returned to IT for either obsolete status or redeployment in the County.
6. After installation of all software, the software license with the license number will be maintained at the IT Department for centralized cataloging.

IT can provide a list of obsolete equipment and non-supported software to inform the departments of hardware/software that should be replaced. This will identify what equipment will be supported by the IT Department after the warranty has expired.

**Department:** Central Services  
**Subject:** Lease Agreement Services

**Effective Date:** April 25, 2000  
**Last Revision Date:** February 24, 2016

## LEASE AGREEMENT SERVICES

Vendors rendering goods and/or services to the County of Genesee shall be advised by any County department head that agreements for leasing of equipment shall be reviewed by the County Attorney before signing of said leases.

It shall be determined by the Purchasing Department, after thorough analysis of the departmental needs, budgetary constraints, etc., that a lease is the most cost effective method and in the best interest of the County of Genesee.

Documentation shall include written quotes, cost-benefit analysis of leasing vs. purchasing, etc.

Only after review and approval by the County Attorney, shall a County department head affix his/her signature to a lease contract.

<b>Department:</b> Central Services	<b>Effective Date:</b> April 11, 2000
<b>Subject:</b> Subscriptions, Membership Dues, Books	<b>Last Revision Date:</b> April 12, 2006

## **SUBSCRIPTIONS, MEMBERSHIP & DUES, BOOKS**

Documentation, as stated, should be provided with the requisition for the issuance of a purchase order for a subscription, valid membership and dues and/or books as follows:

1. The benefit derived by the County from the subscription, membership or dues paid by the County.
2. Reasons why subscription or membership should be charged to the County rather than being a personal charge.
3. Requests for items covered in this section must be approved by the respective department head.
4. Each request shall be evaluated on an individual basis as to whether or not it will be processed as a County expense.

Please note that pursuant to the exceptions to the purchasing system as stated in these Purchasing Policy and Procedures, any single purchase under \$1000.00 does not require the issuance of a purchase order. The Procurement Card system should be used for these low dollar purchases.

**Department:** Central Services  
**Subject:** Sole Source Purchases

**Effective Date:** April 29, 2002  
**Last Revision Date:** February 27, 2019

## SOLE SOURCE PURCHASES

The County of Genesee solicits the maximum number of bids/proposals for a commodity or service from the largest relevant market and selects vendors on a competitive basis. Certain acquisitions, however, that are determined to be in the best interest of the County, may be obtained from a sole source.

Any sole source purchase must be approved by the Purchasing Director. In all cases, sole source acquisitions must be justified in sufficient detail to explain the basis for suspending the competitive procurement process.

### Sole Sources and Monopoly

A monopoly (sole source) is an "Exclusive control of the supply of any commodity in a given market. If there is more than one manufacturer/source in a given market, a monopoly does not exist."

Sole source purchases can be awarded without bidding when the item can be obtained from only one source, and the item does not economically lend itself to substitution.

### Commodities

General considerations -Department must demonstrate the commodity:

- Is available from only one source (e.g., proprietary to a manufacturer, distributor, and/or reseller, etc.).
- Is the only brand that meets the qualifications or specifications of the requisitioning department.
- Is a brand that must match or inter-member with an existing system, and cannot be substituted without replacing the system, resulting in significant costs to the County.
- If purchased, will avoid other costs (e.g., data conversion, training, purchase of additional hardware).
- Is needed on an emergency basis, and time does not permit a solicitation.
- *Obtain a memo from the vendor detailing the reasons to be considered a sole source. Send memo to Purchasing Director.*



<b>Department:</b> Central Services	<b>Effective Date:</b> April 29, 2002
<b>Subject:</b> Sole Source Purchases	<b>Last Revision Date:</b> February 27, 2019

## SOLE SOURCE PURCHASES CONT...

### Consulting Purchases

General considerations for justifying sole source consulting services are more complicated than for commodities. The following factors are used to justify sole source services.

1. No other vendor offers a service or employs personnel meeting the minimum requirements.
2. The department's required time frame for project completion is critical and cannot be exceeded without extreme hardship.
3. The cost to continue with the same consultant is less than the cost for any other consultant due to the time necessary to get up to speed (learning curve) with the project.
4. A unique and proprietary solution has been offered which is determined to be in the best interest of the County.

### Pricing

The Purchasing Director or the department that is ordering the purchase shall negotiate with vendor/contractor for lowest prices.

**Department:** Central Services  
**Subject:** Emergency Purchase Order

**Effective Date:** April 27, 2000  
**Last Revision Date:** April 27, 2011

## EMERGENCY PURCHASING

### Policy

The Director of Purchasing may make or authorize others to make emergency procurement of commodities, supplies, or construction items.

### Definition

General Municipal Law, Section 103 (4) clearly states, "in the 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 of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein."

### Procedure

1. The Purchasing Department will verbally approve the issuing of an Emergency/Confirming purchase order and will maintain a written record of same.
2. The County of Genesee will not be responsible for orders placed in this manner unless an **Emergency/Confirming purchase order has been cleared through the Purchasing Office**. No confirming purchase order will be approved unless the requesting department has supplied the Purchasing Department with the following information:
  - The type of and reason for the Emergency/Confirming order.
  - Complete description and accurate costs of item(s) to be purchased
  - Name and address of vendor from whom goods are to be purchased
3. If a confirming order is disapproved, the materials or supplies should be returned, if possible. If the order is not ruled an emergency, recourse must be sought through the County Manager.
4. Should the Purchasing Director determine that an emergency situation does exist, he/she will give approval as to selection of vendor. The immediate availability of the required goods or services will be given prime consideration in the choice of vendor.
5. The Purchasing Director will verbally approve the purchase of emergency orders and keep record of same.

**Department:** Central Services  
**Subject:** Emergency Purchase Order  
Cont....

**Effective Date:** April 27, 2000  
**Last Revision Date:** April 27, 2011

## EMERGENCY PURCHASING CONT...

7. The requesting department will enter the Emergency/Confirming requisition in the Tyler/NWS Financial System. All confirming orders shall contain the following statement in the body of the order: **'Confirmation of Order - Do Not Duplicate.'** The Purchasing Department will approve, sign and send the purchase order to the requesting department for distribution to vendor, receiving and billing purposes.
8. A written determination of the basis of the emergency and the selection of the particular supplier shall be included in the documentation submitted to the Purchasing Director within five (5) working days.
9. The individual who picks up or receives the item or items from the vendor must obtain an extended invoice containing the following information:
  - Quantity and description of items purchased
  - Unit and total cost
  - Purchase order number as assigned by the Purchasing Department after confirming order is issued
  - Signature of person receiving goods
9. If Purchasing personnel are unavailable at the time of the emergency, the requesting department should proceed to address the emergency and keep detailed records of the procurement. These should also be included in the documentation submitted to the Purchasing Director with five (5) working days.

NOTE: The Purchasing Department WILL NOT approve a confirming purchase order when the purchase order is not justified as an Emergency, where the purchase is being made to circumvent established procedures, or where there is a lack of planning.

**Department:** Central Services  
**Subject:** Pre-Payments to Vendors

**Effective Date:** April 29, 2002  
**Last Revision Date:** April 14, 2021

## **PRE-PAYMENTS TO VENDORS**

As a general rule, the County does not prepay vendors for goods or services. Any prepayment to vendors made in advance of the delivery of goods or services requires prior approval by the Purchasing Director.

- A. The vendor shall submit an invoice to the department before prepayment can be made.
- B. Examples of authorized prepayments include:
  - \* Annual equipment maintenance contracts
  - \* Memberships
  - \* Software Support and Maintenance
  - \* Software Licensing
  - \* IT related hardware maintenance and warranties
  - \* Subscriptions

<b>Department:</b> Central Services	<b>Effective Date:</b> April 11, 2000
<b>Subject:</b> Emergency Preparedness	<b>Last Revision Date:</b> April 6, 2022

## EMERGENCY PREPAREDNESS

### Purpose

To establish guidelines for the relocation of the Purchasing Department should an emergency disrupt services to County Building #1 for an extended period of time.

### Organizational Units Affected

The Purchasing Department and IT Department.

### Policy

In the event of an emergency, which would prevent normal business operations within County Building #1, the Purchasing Department would relocate operations to a location, to be determined, at County Building #2 for the extent of the emergency.

### Notification

1. The IT Director or designee will be alerted as to the impending relocation plans.
2. Notification will also be given to the County Manager and the County Treasurer as to the approximate time the move would be completed.
3. All County Departments will be notified as to the relocation. Departments will be provided with a telephone number to use for contacting the Purchasing Department.
4. Purchasing policies This information will be distributed by one or all of the following means:
  - a. Telephone
  - b. Email
  - c. Written notice delivered by Courier
5. Purchasing operation would continue at the Highway Department until such time as County Building #1 environment is stabilized.

**Department:** Central Services  
**Subject:** Emergency Preparedness  
Continued

**Effective Date:** April 11, 2000  
**Last Revision Date:** February 24, 2016

## EMERGENCY PREPAREDNESS CONT...

### **Financial System Inoperative**

If the New World System is inoperative throughout the County, department purchase orders should be called into the vendors. Departments shall keep manual records of all orders placed with vendors during this period. Confirming purchase requisitions should be entered into the financial system at such time the system is operational. The words "**Confirmation Order Do Not Duplicate**" shall appear on each confirming Purchase order.

### **Telephone System/Financial System Inoperative**

If the County's telephone and financial system becomes inoperative, Central Services will arrange for the Courier to collect order requisitions for the County Department on a scheduled basis and deliver them to the Purchasing Department. Purchasing will collect data and place local orders by arranging the Courier to deliver to local vendors. Records of each transaction must be kept for processing after the emergency is over.

### **Printing/Mail/Courier**

Personnel from these services will be made available to support the Purchasing operation. If circumstance allow otherwise, personnel will be assigned as required.

**Department:** Central Services

**Effective Date:** April 11, 2000

**Subject:** Mileage, Travel and  
Conference Reimbursement

**Last Revision Date:** February 27, 2019

## **MILEAGE, TRAVEL AND CONFERENCE REIMBURSEMENT**

Travel and conference expenses will be processed through the purchase order system after approval by the County Manager's Office and/or Legislature. All steps in the processing and approval of a travel request will remain with the County Manager's Office. An approved travel request must accompany all requisitions for travel, mileage or conference reimbursement. A copy of the travel request is to be sent to the Treasurer's Office.

Travel authorization shall be required in all cases in which the total expenses for such travel are expected to exceed \$100, excluding registration fees.

## **ON-SITE MEETINGS AND TRAININGS**

Trainings and meetings held by the County shall not provide refreshments that are paid for with tax payer monies. If there is a training fee and/or dues that are paid by or for the participants, then those funds may be used to provide refreshments for the participants. An exception may be made for volunteers attending training or assisting with County functions.

**Department:** Central Services

**Effective Date:** April 25, 2000

**Subject:** Vendor Master File/ Vendor Responsibility

**Last Revision Date:** October 23, 2020

## **VENDOR MASTER FILE**

The Treasurer's Office is responsible for the creation and maintenance of the master vendor file. All additions, deletions and changes to this list are to be entered by Treasurer Office personnel.

When requesting additions or changes to the master vendor list, departments must complete a Vendor Change Request List on the New World System in the Financial Management section. Federal identification numbers (W-9 forms) shall be provided for all companies and individuals unless already employed by the county.

Departments must first check the Vendor Master File to see if the vendor they wish to access is already on the list before completing a request to add the vendor. This prevents duplication of vendors on the list.

Vendor accounts which have no activity over a three (3) year period will be marked inactive by the Treasurer Office.

## **VENDOR RESPONSIBILITY**

Vendors must be vetted using the United States Federal Government's System for Award Management (SAM) before the purchase and/or contract is completed, for any purchase of \$25,000 or more. Vendors must be run through this system before each purchase to ensure that they are not suspended, debarred, declared ineligible or voluntarily excluded from eligibility for covered transactions by any federal departments or agencies who are not allowed to receive Federal funds.

Departments must notify either the Purchasing Department or the County Treasurer to request a vendor check before the purchase is made. All vendors will be required to register on the SAM website. If a sub recipient is going to make a purchase using Federal funding, they must check the status of the vendor in SAM, or they can request a check through the Genesee County Purchasing Department or the Genesee County Treasurer. The sub recipient will need to communicate the vendor status to the project director and this communication must be documented.



<b>Department:</b> Central Services	<b>Effective Date:</b> April 25, 2000
<b>Subject:</b> Bidders List	<b>Last Revision Date:</b> October 31, 2016

## **BIDDER/VENDOR FILE**

The Purchasing Department maintains a file of vendors who wish to receive notices of any bids, proposals or formal quotes for the goods and/or services their company provides. This file can also be used as a source for departments who are having difficulty finding a vendor to provide a particular item or service.

Vendors must submit a written request listing company name, address, email, and phone number to be added to the file. Departments may contact the Purchasing Department for this information.

The Vendor form is available on the Genesee County Purchasing Department Web Page.

**Department:** Central Services  
**Subject:** Preferred Source Vendors

**Effective Date:** April 25, 2000  
**Last Revision Date:** April 24, 2013

## PREFERRED SOURCE VENDORS

Pursuant to New York State Finance Law, Section 162, governmental municipalities are required to purchase commodities available from certain organizations which are designated by the State of New York as Preferred Source Vendors. The County is legally bound to obtain these goods only to the extent that they meet the County's specifications.

The organizations designated by the State of New York are:

### **NYS Preferred Source Program for People Who Are Blind (NYSPSP)**

194 Washington Avenue, Suite 300  
Albany, NY 12210  
Telephone: 1.518.456.8671  
Fax: 518.456.3587  
Web Address: <http://www.corcraft.org/>  
Vendor ID # 1100070977

### **CORCRAFT**

New York State Department of Correctional Services  
Division of Industries (Corcraft)  
550 Broadway  
Menands, NY 12204  
Telephone: 518.436.6321 x217  
Fax: 518.472.1614  
Web Address: <http://www.corcraft.org/>  
Vendor ID #: 0420000082

### **New York State Industries for the Disabled, Inc. (NYSID)**

11 Columbia Circle Drive  
Albany, New York 12203  
Telephone: 518.463.9706  
Fax: 518.463.9708  
Email: [administrator@nysid.org](mailto:administrator@nysid.org)  
Web Address: <http://www.nysid.org/>  
Vendor ID# 1000001252

<b>Department:</b> Central Services	<b>Effective Date:</b> April 25, 2000
<b>Subject:</b> Women/Minority Owned Business	<b>Last Revision Date:</b> February 08, 2017

## **MINORITY/WOMEN OWNED BUSINESS**

The County of Genesee encourages all segments of the business community to participate in its purchasing program. Minority and woman owned businesses are asked to contact the Purchasing Department in participation in the County's procurement program.

Certified MWBE businesses information is available on the internet at [www.empire.state.ny.us/MWBE.html](http://www.empire.state.ny.us/MWBE.html)

**Department:** Central Services  
**Subject:** Non-Discrimination Policy

**Effective Date:** April 29, 2000  
**Last Revision Date:** November 12, 2020

## NON-DISCRIMINATION POLICY

It is the policy of the County of Genesee to conduct solicitations and award contracts and purchase orders for goods and services without regard to race, color, religious creed, national origin, ancestry, age, physical or mental disability, marital status, medical condition, or sexual orientation.

Any suspected violation of this policy is to be reported immediately to the Genesee County Purchasing Director.

All Invitations to Bid will include the following language:

*“Genesee County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C.§§ 2000d to 2000d-4), hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

All Requests for Proposals will include the following language:

*“Genesee County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US. C.§§ 2000d to 2000d-4), hereby notifies all proposers that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

Contractors and/or service providers of the County must:

- Demonstrate they afford equal employment opportunities to all persons.
- Take affirmative steps to ensure that all segments of the community regardless of economic, racial or ethnic status are informed of grant opportunities.
- Demonstrate that their program benefits are not awarded in ways that discriminate.
- In addition to equal access, affirmatively ensure accessibility for persons with disabilities.

**Department:** Central Services  
**Subject:** Vendor Performance Negative

**Effective Date:** April 29, 2000  
**Last Revision Date:** April 29, 2002

## **VENDOR PERFORMANCE-NEGATIVE**

Consideration of a vendor's past performance is a part of the purchasing process. Appropriate action must be taken with vendors who do not perform in accordance with the County of Genesee terms and conditions.

Should a County department experience problems with a particular vendor, regarding delivery of goods, quality, service, etc., the department shall notify the Purchasing Department in writing. Information provided should include the following:

- Name of Department filing the complaint
- Name and location of Vendor
- Nature of complaint

Upon receipt of a vendor complaint memo from a County department, the Purchasing Department shall take the following action:

1. Purchasing staff will make contact by phone and in writing with the vendor. They will notify vendor of the County's dissatisfaction and explain the nature of complaint.
2. Vendor will be given a reasonable period of time to correct the error, which will be determined on a case by case basis. Should the vendor not resolve the situation to the satisfaction of the Purchasing Director in the time period specified, the department who issued the complaint shall be instructed to seek out another vendor and to discontinue doing business with the vendor who has not resolved the complaint.

### **General Guidelines:**

- The Purchasing Department will assist departments having performance problems with vendors.
- The Purchasing Department will maintain a file that includes documentation and evaluation on vendors with past performance problems and the resolution of those problems.
- The Purchasing Department will ensure proper action is taken with poor performing vendors that may include warnings by telephone or letter.
- In the event of default by the vendor, the Purchasing Department may purchase the items(s) elsewhere and charge the defaulting vendor the difference in cost. The original purchase order may be canceled and the reasons documented.
- Vendors who consistently fail to perform satisfactorily may not be considered for future contract award, deleted from bidders' list and/or required to post surety to guarantee performance.

**Department:** Central Services  
**Subject:** Conflict of Interest

**Effective Date:** April 24, 2000  
**Last Revision Date:** December 13, 2017

## **CONFLICT OF INTEREST**

No County officer or employee will have an interest in any contract with the County of Genesee when such employee has the authority or the responsibility to do the following:

1. Negotiate, prepare, authorize or approve a contract or authorize or approve its payment.
2. Audit bills or claims.
3. Appoint an officer or employee who has any of authority or responsibilities set forth above.

The term "contract", in this context, refers to any claim, demand against, or agreement with the County, either express or implied.

Any County officer or employee who has, or acquires an interest in, any actual or proposed contract with the County of Genesee shall publicly disclose the nature and extent of such interest in writing to the County Manager as soon as he/she has knowledge of an actual or prospective interest. This written disclosure will be kept on file.

Any officer or employee who has reason to believe that he/she may have a conflict of interest, should contact the office of the County Attorney immediately.

### **Federally Funded Purchasing Conflict of Interest Statement:**

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. If the financial interest is not substantial or the gift is an unsolicited item of nominal value, no further action will be taken. However, disciplinary actions will be applied for violations of such standards otherwise.

## **USE OF CONFIDENTIAL INFORMATION POLICY**

It shall be unethical for any county employee or former County employee to knowingly use confidential procurement information for actual or anticipated gain, or for the actual or personal gain of any person.

**Department:** Central Services  
**Subject:** Employee Fraud

**Effective Date:** April 29, 2002  
**Last Revision Date:** April 12, 2006

## **EMPLOYEE FRAUD**

### **Policy Statement**

An act of fraud is committed if an employee of the County negotiates a personal procurement by fraudulent use of a County requisition number, purchase order number or procurement card.

If an employee claims a purchase is on behalf of the County of Genesee, when in fact the purchase was made solely for personal use, an act of fraud has been committed. By making a personal procurement from State Contracts an act of fraud has also been committed.

By committing an act of fraud, the employee is subject to disciplinary action and/or prosecution.

**Department:** Central Services  
**Subject:** Fixed Assets/County Property/  
 Materials

**Effective Date:** April 25, 2000  
**Last Revision Date:** April 12, 2006

## FIXED ASSETS/COUNTY PROPERTY/MATERIALS

### Three Categories of County Equipment/Property

FIXED ASSETS	COUNTY PROPERTY	MATERIAL(S)
<b><i>\$10,000+</i></b>	<b><i>\$1,000 to \$10,000</i></b>	<b><i>Below \$1,000</i></b>

### Fixed Assets

The County Treasurer Department will record and report fixed asset values as required by New York State Audit and Control and Federal Law GASB-34.

### Fixed Asset Definition

The County of Genesee, following the guidelines provided by the County's Independent Auditor, defines fixed assets as those major assets costing \$10,000 and over that benefit more than a single fiscal period. Fixed Assets will be classified in one of the following major control groups in a separate section of the general ledger:

- **BUILDINGS** (Unit Cost over \$24,999)
  - a. General (Useful Life: 50 years)
  - b. Park Pavilions (Useful Life: 25 years)
  - c. Other Facilities (Useful Life: 25 years)
  
- **INFRASTRUCTURE** (Unit Cost over \$9,999)
  - a. Roads, surface (Useful Life: 25 years)
  - b. Roads, base (Useful Life: 75 years)
  - c. Bridges (Useful Life: 50 years)
  
- **EQUIPMENT** (Unit Cost over \$9,999)
  - a. Heavy Equipment (Useful Life: 10-20 years)
  - b. Light Highway Vehicles (Useful Life: 5 years)
  - c. Police Cars (Useful Life: 2 years)
  - d. Other Vehicles (Useful Life: 5 years)
  - e. Telephone and Computer Equipment (Useful Life: 5 years)
  - f. Furniture and Fixtures\* (Useful Life: 20 years)

\*If furniture is purchased in bulk in conjunction with a move or renovation and the total cost of new furniture and fixtures exceeds \$49,999, the furniture should be capitalized in total and depreciation shall be charged against the appropriate department.



**Department:** Central Services  
**Subject:** Fixed Assets/County Property/  
Materials Cont...

**Effective Date:** April 25, 2000  
**Last Revision Date:** February 24, 2016

## **FIXED ASSETS/COUNTY PROPERTY/MATERIALS CONT...**

Fixed assets are tangible in nature and possess physical substance. There are several types of assets that are excluded from the definition of fixed assets equipment no matter how much they cost. These are:

1. Inventories - will not be considered a fixed asset.
2. Spare parts - will not be considered a fixed asset.

Fixed Assets accounting is an important part of the county's stewardship responsibility.

### **County Property**

The Purchasing Director, as the property control manager, is designated by the Genesee County Legislature not only to purchase but also to inventory, dispose of, and/or transfer supplies, materials and equipment.

### **County Department Responsibility**

The fixed assets system is not intended to provide control over all assets; lower cost assets (County Property) are to be controlled at the department level. Each department head has the ultimate responsibility to conduct and maintain the individual inventory pertaining to each respective department. However, all personal computer equipment purchased (including grant money) through the Informational Technology Department (IT) is inventoried by IT and accounted for by their inventory method.

### **County Property Definition**

County Property is those assets the County retains more or less permanently, not for sale but for utilization in the normal course of operations in producing, distributing and rendering goods and services. These assets will always imply tangible property, having bodily substance.

The County of Genesee, following the guidelines of the Independent Auditor, defines County Property as those items which have value of between \$1,000 and \$10,000 and have a useful life of more than one year with the following exceptions:

- Items having physical characteristics which are NOT appreciably affected by use or consumption.
- Gifts will be recorded at time received.
- Licensed items, firearms, etc.

If County Property should become obsolete by reason of age, wear or technical advancement or should become surplus unnecessary for the operation of the department, the department head should notify the Purchasing Director, in writing, by use of the County Disposition Form, of such obsolete or surplus assets.

Each Department is responsible for recording the movement and disposal of all County Property assigned to their department. Items no longer in usable condition must be handled following the County's equipment disposition policy.

**Department:** Central Services  
**Subject:** Fixed Assets/County Property/  
Materials Cont...

**Effective Date:** April 25, 2000  
**Last Revision Date:** February 08, 2017

## DISPOSITION OF SURPLUS ITEMS

### Material Relocation and Disposition of County Property

All departments, upon transfer of County Property will always notify the Purchasing Department by completing a Disposition form. The form will be signed by the Purchasing Director and forwarded to the Supervisor of Building and Grounds Department for transfer to another county department. Due to lack of storage space within the County, if the asset is not transferred, it will remain in the originating department until such time a disposition is found.

The Department Head of the department requesting removal of County Property shall note if the asset is in useable condition and should be kept until another department has a need of the item(s) or until an auction of county property is held for disposal of the item(s).

Disposition of County Property, such as trade-in, sale or auction, will be controlled and determined by the Purchasing Department. A complete description and condition of the County Property is to be included with the disposition form by the department requesting disposal. The item will be listed on a "Surplus Property List" which will be kept updated by the Purchasing Department. This list will be made available to all departments and should be checked before any new purchases are made.

### Material Relocation and Disposition of items Under \$1,000

To dispose of items which do not meet the County Property or fixed asset definition, a disposition form shall be completed and sent to the Purchasing Department for approval. Purchasing will contact Buildings and Grounds if the item is to be transferred to another department.

The Department Head of the department requesting removal of an item(s) under \$1,000 shall determine if the item(s) are in usable condition and should be kept in the department until another department has a need of the item(s) or an auction of county property is held for disposal of the item(s). A description of the item and its condition shall be sent to Purchasing for addition to the "Surplus Property List" using the "Statement of Disposition" form that is located on the County Intranet. Central Services will confirm the location of the surplus items and submit a resolution to dispose of items that are on the Surplus Property List at least two times per year.

### Disposition of Surplus Items

The Purchasing Director will determine the best way to dispose of all surplus items that are not needed by other County Departments. The items will be disposed of in one of the following ways:

- Any broken or non-functional items may be thrown out or recycled.
- The items will be offered for sale to other municipalities.
- An advertisement will be placed in the designated newspapers in the form of a legal notice listing the items for sale. Sealed bids will then be received.
- The surplus items will be sold through a public auction.
- The surplus items will be disposed of in an appropriate manner.
- Any items remaining after all other methods of disposal have been exhausted may be given away to County employees, donated to local charities, or thrown out.

**Department:** Central Services  
**Subject:** Safety Data Sheets  
"Right to Know" Law

**Effective Date:** April 25, 2000  
**Last Revision Date:** April 6, 2022

## **SAFETY DATA SHEETS (SDS)**

### NEW YORK STATE "RIGHT TO KNOW" LAW

The intent of the law is to ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is transmitted to affected employers and employees. The reasons for this are:

1. Employees have a right to make an informed decision about the possible costs of employment to health and life.
2. Employees can observe symptoms of toxicity in themselves and understand the relationship between the symptoms and exposure, thereby allowing them to evaluate the need for any corrective action.

#### **Procedure for obtaining SDS:**

1. The department requesting the purchase of a hazardous chemical is responsible for requesting the SDS for chemicals at the time an order is placed. A request for a SDS accompanies each purchase order for each chemical for which no SDS is made at the time of the order and is printed on the written purchase order which follows the phone order.
2. As chemicals are received at the various County buildings, the receiving agent will check them against the current chemical inventory and SDS already on file. If an SDS arrives with the shipment, the SDS will be kept by the using department for review and distribution. If no SDS accompanies the shipment, the department head or designated person will check the chemical against the current inventory and SDS file to verify if the chemical has been received on other occasions and if an SDS is already on file.
3. If no SDS is on file, a written request will be made to the supplier to provide a SDS within two weeks of receipt of letter. If the SDS is not received in two weeks a second written request will be sent to the supplier. If the SDS is still not sent within two weeks of second request, alternative courses of action will be taken in the form of, but not limited to, the following:
  - a. The supplier will be notified that payment of their account will be delayed until SDS is received.
  - b. The supplier will be notified that their lack of response in supplying the SDS will be strongly considered in regard to doing future business with the company, and that alternative source may be used.

**Department:** Central Services  
**Subject:** Safety Data Sheets  
"Right to Know" Law cont...

**Effective Date:** April 25, 2000  
**Last Revision Date:** April 6, 2022

## **SAFETY DATA SHEETS (SDS) CONT...**

1. As SDS's are received, they are reviewed for content and completeness by the receiving department head. If an incomplete or otherwise unsatisfactory SDS is received, a letter is sent to the supplier which describes the deficiency and also requests a more complete SDS. When a department head becomes aware of new and significant health information concerning a chemical used, any employee who uses and/or is potentially exposed to the chemical, is to be informed of the new information.
2. Departments are responsible for forwarding all SDS information to the Mail Room. Central Services will then update the online SDS information service to provide easy access for all County employees. The SDS system can be accessed via a link on the County Intranet or access can be gained by QR Code using a Smart Phone.

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