

**TOWN OF LOCKPORT INDUSTRIAL DEVELOPMENT AGENCY**  
**PROCUREMENT POLICY**

Reviewed and Approved January 2024

**A. INTRODUCTION**

1. Scope – In accordance with Article 18-A of the General Municipal Law (the “IDA Act”), Section 104-b of the General Municipal Law, and the Public Authorities Accountability Act of 2005 and 2009, the Town of Lockport Industrial Development Agency is required to adopt procurement policies which will apply to the procurement of goods and services not subject to the competitive bidding requirements of Section 103 of the GML and paid for by an IDA for its own use and account.
2. Purpose – Pursuant to Section 104-b of the GML, the primary objectives of this policy are to assure the prudent and economical use of public monies in the best interests of the taxpayers of a political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances and to guard against favoritism, improvidence, extravagance, fraud and corruption.

**B. PROCUREMENT**

1. Determination Required – Prior to commencing any procurement of goods and services, the Chief Executive Officer (the Administrative Director) or his designee shall determine whether competitive bidding or requirements set forth in this policy are required for such procurement.

**GUIDELINE 1.** Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, Section 103. Every IDA officer with the requisite purchasing authority (hereinafter known as Purchaser) shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year through the Annual IDA Operating Budget. That estimate shall take in consideration past history to determine the likely yearly value of the commodity to be acquired. All purchases and public works contracts shall be subject to the requirement of procuring goods and services of the maximum quality at the lowest cost.

**GUIDELINE 2.** All purchases of (a) supplies or equipment which will exceed \$10,000.00 in the fiscal year or (b) public works contracts over \$35,000.00 shall be formally bid pursuant to GML, Section 103.

**GUIDELINE 3.** All estimated purchases of:

1. Less than \$20,000.00 but greater than \$5,000.00 require a written request for a proposal (hereinafter known as RFP) and written/fax quotes from three (3) vendors.
2. Less than \$5,000.00 but greater than \$1,000.00 requires a verbal request for the goods and verbal or fax quotes from two (2) vendors.

3. Less than \$1,000.00 are left to the discretion of the Purchaser, subject to department head approval.

All estimated **public works** contracts of:

1. Less than \$35,000.00 but greater than \$5,000.00 require a written RFP and written/fax proposals from three (3) contractors.
2. Less than \$5,000.00 are left to the discretion of the Purchaser, subject to department head approval.

Any written RFP shall describe the desired goods, quantity and the particulars of delivery. The Purchaser shall compile a list of all vendors from whom written/fax/verbal quotes are offered.

**GUIDELINE 4.** Purchase or public works contracts in excess of \$5,000.00 shall be approved by the IDA Board. The Purchaser may accept a proposal in accordance with these guidelines prior to receipt of approval, but subject to approval. If no separate action by the IDA Board has been taken, the approval of vouchered billings by the IDA Board shall constitute approval.

**GUIDELINE 5.** The lowest responsible proposal or quote shall be awarded for purchases or public works contracts unless the Purchaser prepares a written justification providing reasons why it is in the best interest of the IDA to make an award to other than the low proposal. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**GUIDELINE 6.** A good faith effort shall be made to obtain the required number of proposals or quotations. If the Purchaser is unable to obtain the required number of proposals or quotations, the Purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**GUIDELINE 7.** Except when directed by the IDA Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- a. Acquisition of professional services;
- b. Emergencies;
- c. Sole source situations;
- d. Goods purchased from agencies for the blind or severely handicapped;
- e. Goods purchased from correctional facilities;
- f. Goods purchased from another governmental agency;
- g. Goods purchased at auction;
- h. Goods purchased for less than \$1,000.00;
- i. Public works contacts for less than \$5,000.00.

The following individuals are responsible for purchasing:

Administrative Director

Any other employee making purchases shall act subject to the direction of the Department Head responsible for purchasing.

**GUIDELINE 8.** This policy shall be reviewed annually by the IDA Board at its organizational meeting or as soon thereafter as is reasonably practicable.

**GUIDELINE 9.** Except where exempted by Guideline 7, a, Procurement Policy Form shall be completed by the Purchaser and placed in the file relating to the purchase. All additional information gathered in complying with the procedures of this Guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contact.

**GUIDELINE 10.** It is the determination of this Board that for purchases less than \$1,000.00, and public works contracts less than \$5,000.00, the requirement of solicitation of alternative proposals and the paperwork necessary to document them are time consuming and counterproductive to the best interest of the IDA. The small number of individuals with purchasing authority and their overall knowledge of available products and services in their respective areas are given weight by this Board in arriving at this finding. Purchasers shall, nevertheless, utilize good business judgment in obtaining products and services at the best overall value to the IDA.

**GUIDELINE 11.** The specific person to serve as the authorized contact on specific procurement, pursuant to State Finance Law Section 139(2) (a) is the Administrative Director.