



TICONDEROGA REVITALIZATION ALLIANCE

PROCUREMENT POLICIES

(JUNE 12, 2023)

I. PURPOSE AND AUTHORITY

The purpose of this procurement policy is to outline the procurement policy of the Ticonderoga Revitalization Alliance (Ti-Alliance), a Local Development Corporation applicable to procurements of goods and services paid for by the Corporation.

Section 2824 (1) (e) of Public Authorities Law (PAL) requires boards of state and local authorities, as defined by Title 1 Section 2 of PAL, to adopt written policies and procedures for the procurement of goods and services. The TRA Board of Directors will review these policies and procedures every three years, or more often if needed.

II. METHODS OF PURCHASE

As described below, Ti-Alliance uses four different sets of actions for making its procurements depending on the cost level and relevant circumstances.

A. SMALL PURCHASES

Use: For small purchases (up to \$5,000) for which the specifications can be well defined.

Procedures: Purchases up to \$1,000 are at the discretion of the Executive Director, provided such purchases are “stand alone” in nature and do not constitute part of a larger purchase. Purchases of \$1,000 to \$5,000 require a minimum of two verbal quotes, as documented by the Executive Director.¹

B. LARGE PURCHASES (INCLUDING VIA COMPETITIVE SEALED BIDS)

Purchases between \$5,000 and \$20,000 will require two written estimates (where possible) and approval by the Executive Director. The primary basis for selection will be cost, however availability of the provider and other long-term implications may be considered and documented.

In terms of procedures, purchases above \$20,000 of this type require written estimates from three vendors (where possible), and approval by a designated Ti-Alliance Project Procurement Committee including using Email approval via DocuSign. A Project Procurement Committee will be made up of at least 3 Board of Directors members and augmented by subject matter

¹ Number of Proposals or Quotations - 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 will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.



expert(s) when needed. Decisions will require the approval of a majority of committee members. Project Procurement Committees will report project purchases as part of the finance report to the full TRA Board of Directors at each regular meeting.

Purchases above \$20,000 will be done through an Invitation for Bids (IFB) process. This IFB process will include soliciting bids via a notice published in The Sun Community News (the local newspaper) and possible solicitations from responsible prospective suppliers. The final decision will be made by the Ti-Alliance Project Procurement Committee after reviewing the recommendation of the Executive Director, for the lowest bid to be determined to be acceptable by the Executive Director (up to \$20,000) or the Project Procurement Committee (above \$20,000). See Annex One for more information on Invitation for Bids.

Contracts/purchases of \$100,000 and above require the approval of the full board.

C. COMPETITIVE NEGOTIATIONS

Uses: At the discretion of the Executive Director, Ti-Alliance will use competitive negotiations, regardless of contract amount, upon a written determination by the Executive Director or Designee that:

1. Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid or the lowest evaluated bid price (in other words, bidding is not feasible) OR
2. The services to be procured are professional in nature.

In terms of procedures, for the circumstances of Number 1 (specifications not specific enough) competitive proposals will be solicited through newspaper advertisement. The newspaper advertisement must be published at least seven (7) days before the date for receipt of the proposals. Additionally, a Request for Proposal (RFP) may be prepared and noted in the advertisement and can also be emailed to qualified vendors.

The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details regarding the RFP may be obtained.

Award must be made to the offeror whose proposal is determined in writing by the Alliance to be the most advantageous to Ticonderoga Revitalization Alliance. Evaluations must be based on the factors set forth in the Request for Proposal and a written evaluation of each response prepared. The Project Procurement Committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be



abandoned.

Regarding procuring professional services, such services are not subject to competitive bidding (and are instead in this category of competitive negotiations). Generally professional services involve specialized expertise, use of professional judgement, and/or a high degree of creativity. Among the professional services that are exempt from competitive bidding are engineers, architects, land surveyors, accountants, attorneys, physicians, and insurance brokers.

D. NON-COMPETITIVE NEGOTIATIONS

Uses: Non-competitive negotiations may be used under the following conditions:

1. An emergency that exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or
2. The product or service can be obtained only from one source, or
3. Only one satisfactory proposal is received through RFP or RFQ, or
4. The purchase of second hand goods, or
5. The state has authorized the use of noncompetitive negotiation procurement of this particular type of good or service.

The Ti-Alliance Project Procurement Committee must approve all procurements by non-competitive negotiation over \$20,000 when only one supplier is involved or only one bid or response to an RFP/RFQ is received.

III. CONTRACTS

All procurement in excess of \$5,000 will be supported by a written contract or equivalent documentation.

All contracts will contain language which allows Ti-Alliance the opportunity to cancel any contract for cause. "Value engineering" may be used when appropriate, means having the total job to be broken down and bid in sections, with the intention to produce the lowest overall cost of the project. See Annex Two for more information on contract language.

IV. DOCUMENTATION

All relevant documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ data and bid materials) will be retained and filed with Ti-Alliance in an appropriate manner. Where feasible, documents pertinent to each individual procurement shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.).

Whatever form of documentation and filing is employed, the purpose of this section is to ensure



that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost, (including the issue of reasonableness of cost), rationale for method of procurement and selection of contract type, and basis for payment.

V. LOCALLY OWNED, MINORITY-OWNED, FEMALE-OWNED AND SMALL BUSINESSES

All necessary affirmative steps will be taken and documented to solicit participation of locally owned, minority-owned, female-owned and small businesses. Ticonderoga Revitalization Alliance will solicit proposals from minority- or women-owned businesses in the working area that provide the goods or services that are being sought. Where possible and feasible, delivery schedules will be established, and work will be subdivided to maximize participation by small businesses or minority- or women-owned businesses. Subdivided components may be bid as a separate contract.



ANNEXES

ANNEX ONE: FURTHER DETAILS ON THE “INVITATION FOR BIDS” PROCESS

Competitive bidding will be employed when a) detailed specifications for the goods or services to be procured can be prepared, b) the primary basis for award is cost, and c) when the cost of a contract, lease or other agreement for materials, supplies, equipment or contractual services, other than those personal or professional exceeds \$20,000.

For this situation an Invitation for Bids (IFB) notice will generally be prepared. This notice will be published at least once in the Sun Community News, the official newspaper of general circulation in Ticonderoga. This newspaper notice will appear not less than seven (7) days before the due date for bid proposals. Ticonderoga Revitalization Alliance may also solicit bids from responsible prospective suppliers by sending them a copy of such notice. Bid deposits may be require at the discretion of the Project Procurement Committee.

The IFB will include a complete, accurate and realistic specification and description of the goods or services to be procured, the location where bid forms and specifications may be secured.

The bids, usually received by email, will be tabulated by the Director. The results of the tabulation and the bid procurements will be examined for accuracy and completeness by the Chief Financial Officer who will make recommendations to the Ticonderoga Revitalization Alliance. The Director will recommend to whom the contract shall be awarded, with the final decision made by the Ti- Alliance Project Procurement Committee. After the bid award is made by the Ticonderoga Revitalization Alliance a contract will be prepared by the successful bidder and amended as needed through discussions between TRA and the vendor. After the contract is signed (by the Executive Director for TRA), all bid deposits will be returned to all unsuccessful bidders.

Ticonderoga Revitalization Alliance may cancel an Invitation for Bid or reject all bids if it is determined that such is in the best interests of Alliance. Bidders will be notified in writing of such cancellation or rejection. Ticonderoga Revitalization Alliance may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.



ANNEX TWO: CONTRACTS

All contracts will contain language which allows the Alliance the opportunity to cancel any contract for cause. Said cause shall include (but not be limited to) demonstrated lack of ability to perform the work specified, unwillingness to complete the work in a timely fashion, cancellation of liability insurance or worker's compensation, failure to pay suppliers or workers, unsafe working conditions caused by the contractor, failure to keep accurate and timely records of the job, or failure to make those records available to the Alliance (on request) or any other documented matter which could cause a hardship for the Ticonderoga Revitalization Alliance if a claim should arise or the work not be completed on schedule at the specified cost.